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VOL. 1  
 PAGES 1-124  
 EXHIBITS 1-20

UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF MASSACHUSETTS

C.A. NO.: 04-CV-11340DPW

\*\*\*\*\*

STEPHEN KEEFE,

PLAINTIFF,

VS

LOCALS 905, INTERNATIONAL

LONGSHOREMEN'S ASSOCIATION,

AFU-CIO, ET. AL,

DEFENDANTS.

\*\*\*\*\*

DEPOSITION OF STEPHEN KEEFE, taken on behalf of the Defendants, pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before Bernadette J. D'Alelio, Notary Public and Court Reporter within and for the Commonwealth of Massachusetts, at the offices of Mullen & McGourty, 52 Temple Place, Boston, Massachusetts, on May 8, 2006, at 10:01 a.m., as follows:

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DEPOSITION OF: STEPHEN KEEFE

DIRECT BY MR. MAHONEY: 5

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1 APPEARANCES:

2 ON BEHALF OF PLAINTIFF:

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7 ON BEHALF OF DEFENDANTS:

8 MICHAEL L. MAHONEY, ESQ.

9 Mullen & McGourty

10 52 Temple Place, 4th Floor

11 Boston, Massachusetts 02111

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13 ALSO PRESENT:

14 WILLIAM SULLIVAN

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## PROCEEDINGS

STEPHEN KEEFE, the deponent,  
having been satisfactorily identified and duly  
sworn by the Notary Public, was examined and  
testified as follows:

## DIRECT EXAMINATION BY MR. MAHONEY:

Q. Good morning, sir. My name is Mike  
Mahoney. I represent the defendants in this  
action.

I'm going to ask you several questions  
over the next few minutes. If you don't  
understand any of my questions, just ask me to  
rephrase them or repeat them, and I will be  
happy to do that.

If you need to take a break to speak  
with your attorney at any time, let me know,  
and I'll accommodate you. However, you cannot  
take a break while there is a question  
pending.

I would suggest that you answer my  
questions verbally, because if you nodded in  
agreement or shook your head in disagreement,  
that wouldn't be reflected on the record as an  
answer.

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A. 1/9/52.

Q. And your social security number?

A. 033-42-9252.

Q. Mr. Keefe, can you give me a thumbnail  
sketch of your educational background starting  
with high school education?

A. I graduated from Boston English.

Q. In what year?

A. '69, '70 or so.

Q. Any education after high school?

A. Some college courses, nothing major.

Q. Any degrees after high school?

A. No.

Q. Where did you attend college?

A. I attended college in Pennsylvania. I  
took college courses. I don't even remember  
the name of it.

Q. Are you currently employed?

A. Yes.

Q. Who do you work for?

A. I'm a member of the union. I work for  
Columbia Coastal.

Q. What type of a company is Columbia  
Coastal?

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Do you understand that?

A. Yes.

MR. MAHONEY: Usual  
stipulations?

MR. LATHROP: I assume they are  
the usual, yes.

MR. MAHONEY: I will waive  
notarization. He will read and sign?

MR. LATHROP: That's fine.

MR. MAHONEY: Thirty days.  
Anything else?

MR. LATHROP: That's fine.

BY MR. MAHONEY:

Q. Sir, please state your name for the  
record.

A. Stephen Keefe.

Q. What is your current address?

A. 17 Marion Street, Green Harbor,  
Massachusetts.

Q. With whom do you live there?

A. My wife and one son.

Q. Do you own or rent that house?

A. I own it.

Q. What is your date of birth?

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A. They are a stevedoring company.

Q. How long have you been employed by  
Columbia Coastal?

A. Since 1998, I think.

Q. Have they always been called Columbia  
Coastal?

A. They were Port something, I think,  
before.

Q. Well, you said that you were employed  
by Columbia Coastal since 1998. I see that in  
the W-2s that you produced today, we have a W-2  
from 2004 from Columbia Coastal. Prior to  
that -- there is one for 2003, one for 2002.  
There isn't one for 2001.

A. It was P&O Ports in 2001. That is  
another company, P&O Ports.

Q. P&O Ports is a company that preexisted  
Columbia Coastal?

A. That is just another company that I  
worked for.

Q. How many hours a week do you work  
currently for Columbia Coastal?

A. It varies. It could be four. It  
could be 40. It could be 60. It varies.

Page 9	Page 11
<p>1 Q. Are you placed for employment at 2 Columbia Coastal by the union? 3 A. Yes. 4 Q. What gang are you currently in, in the 5 union? 6 A. Gang 10. 7 Q. I see that you do not have a W-2 from 8 Clark in 2004; is that correct? 9 A. No. 10 Q. My statement is correct, you don't 11 have a W-2 from Clark? You agree with me? 12 A. No, I wasn't working then. 13 Q. Is John T. Clark &amp; Son still in 14 business? 15 A. No. 16 Q. When did they go out of business, if 17 they went out of business? 18 A. I think when P&amp;O Port took over as the 19 paying agent, whatever year that was. 20 Q. For the Port of Boston? 21 A. Yes. 22 Q. So given that you don't have a W-2 for 23 2004 from Clark, but you do have a W-2 from 24 2003 from Clark, it's your best memory that</p>	<p>1 assets of John T. Clark &amp; Son? 2 A. No. 3 Q. Did your brother Timothy own the 4 assets of John T. Clark &amp; Son in 2003? 5 A. I don't know. 6 Q. This John T. Clark, was it, in 2003, a 7 publicly held company? In other words, it had 8 stock that was sold on a stock market, or was 9 it a privately held company? Do you know? 10 A. I don't know. 11 Q. I have a W-2 here from 2003 which 12 indicates that, as far as John T. Clark is 13 concerned, you earned \$15,153. 14 Do you see that document? 15 A. Yes. 16 MR. MAHONEY: Let's mark this as 17 the first exhibit, please. 18 (Exhibit-1, 2003 W-2, marked for 19 identification.) 20 BY MR. MAHONEY: 21 Q. When you earned \$15,153 from John 22 T. Clark &amp; Company, what were your job 23 responsibilities or duties in 2003? 24 A. I didn't have any responsibilities.</p>
Page 10	Page 12
<p>1 John T. Clark &amp; Company was not in business in 2 2004 as the paying agent for the Port of 3 Boston? 4 A. Correct. 5 Q. Did John T. Clark -- strike that. 6 Do you have any knowledge of the 7 business operations of John T. Clark &amp; Son in 8 2003? 9 A. They were the paying agent. 10 Q. Did it employ anyone else in your 11 family in 2003, John T. Clark &amp; Company? 12 MR. LATHROP: Objection to the 13 form of the question. 14 BY MR. MAHONEY: 15 Q. Was anyone else in your family working 16 at John T. Clark &amp; Son in 2003? 17 MR. LATHROP: Objection to the 18 form of the question. 19 A. My brother. 20 Q. Tim? 21 A. Yes. 22 Q. And what was his job title there? 23 A. He was vice president maybe. 24 Q. In 2003 do you know who owned the</p>	<p>1 Q. How many hours a week did you work at 2 John T. Clark &amp; Son Company in 2003? 3 A. Zero. 4 Q. So the \$15,153 that you reported as 5 earnings on your federal income tax return in 6 2003 was basically for a no-show job? 7 A. I wouldn't say it was a no-show job. 8 I would just say that my family was taking care 9 of me. 10 Q. When you say your family was taking 11 care of you, what do you mean by that? 12 A. I would get a check every month. 13 Q. From John T. Clark &amp; Son? 14 A. Yes. 15 Q. And how was it, that in receiving a 16 check every month from John T. Clark &amp; Son, 17 that your family was taking care of you? 18 A. By receiving a check every month. 19 Q. How was that facilitated by your 20 family? 21 A. I don't understand the question. 22 Q. How was it that your family managed 23 for you to get a check every month from John 24 T. Clark &amp; Son?</p>



1 A. Because I was part of their family.  
 2 Q. What was your family's relationship  
 3 with John T. Clark & Son Company that enabled  
 4 them to cut you a check from John T. Clark in  
 5 2003?  
 6 A. They were the owners of the company.  
 7 Q. When you say "they," who do you  
 8 specifically mean?  
 9 A. My brothers. One had passed away.  
 10 Q. What was your brother's name, who  
 11 passed away?  
 12 A. Joseph.  
 13 Q. When did he pass away?  
 14 A. Either 2002 or 2003.  
 15 Q. Anyone else in your family that owned  
 16 the company, John T. Clark & Son?  
 17 A. No.  
 18 Q. Well, you said your family was taking  
 19 care of you.  
 20 A. My brother Timmy.  
 21 Q. Was it your understanding in 2003 that  
 22 your brother Timmy and brother Joseph owned  
 23 John T. Clark & Son?  
 24 A. Yes.

1 Q. And does your brother Timmy still own  
 2 the company?  
 3 A. I don't know.  
 4 Q. Where does he live?  
 5 A. He lives in Dennis Port.  
 6 Q. Is he currently employed?  
 7 A. No, he is retired.  
 8 Q. Do you have any understanding of  
 9 whether or not John T. Clark & Son, given it  
 10 was your family-owned business, was sold in  
 11 2003 or 2004?  
 12 A. I don't know.  
 13 Q. Does John T. Clark & Son still have an  
 14 office — strike that.  
 15 In 2003 when you were receiving a  
 16 check from John T. Clark & Son, where was their  
 17 office located?  
 18 A. At Conley Terminal.  
 19 Q. Conley?  
 20 A. Yes.  
 21 Q. Currently, does John T. Clark & Sons  
 22 still have an office at Conley Terminal?  
 23 A. I don't think so.  
 24 Q. When did that office close?

1 A. When my brother retired.  
 2 Q. When did he retire?  
 3 A. I think after the paying agent changed  
 4 hands.  
 5 Q. That was when? Approximately 2003,  
 6 2004?  
 7 A. 2003, 2004, yes.  
 8 Q. Now, Columbia Coastal became the  
 9 paying agent for the Port of Boston in 2004, is  
 10 that right, or 2003?  
 11 A. Either one of those, yes.  
 12 Q. But when you received a check from  
 13 Columbia Coastal in 2002, it was not the paying  
 14 agent; is that right?  
 15 A. I don't think so.  
 16 Q. In 2003, in addition to being the  
 17 paying agent for the Port of Boston, what other  
 18 types of things did John T. Clark & Son do in  
 19 terms of its business operation, if anything?  
 20 MR. LATHROP: Objection.  
 21 A. They were the paying agent.  
 22 Q. In 2002 when you received a check from  
 23 Columbia Coastal, what type of work were you  
 24 doing when you received a check from Columbia

1 Coastal in 2002?  
 2 A. It was out of the union hall.  
 3 Q. How many years prior to 2003 did your  
 4 family run John T. Clark & Son approximately?  
 5 A. Fifty maybe.  
 6 Q. Clark is a family name in your family  
 7 background?  
 8 A. No.  
 9 Q. Prior to your brother Joseph and  
 10 Timothy Kcefe's involvement, did anyone else in  
 11 your family run the business of John T. Clark &  
 12 Son?  
 13 A. My father, who was the president.  
 14 Q. What was your father's name?  
 15 A. Timothy.  
 16 Q. When did your brother Timothy start in  
 17 the business at John T. Clark & Son?  
 18 A. In the '60s, I think.  
 19 Q. When did your brother Joseph start in  
 20 the business?  
 21 A. Probably right after that.  
 22 Q. What did you say? Right after that?  
 23 A. Probably right after that.  
 24 Q. So the late '60s, '70s?

1	A. Yeah.	1	MR. LATHROP: Objection to the	1	that you have to pay capital gains tax?
2	Q. Then he passed in 2002, 2003?	2	BY MR. MAHONEY:	2	A. Yes.
3	A. Yes.	3	form of the question.	3	Q. You then understand that there is a
4	Q. And your brother Timothy simply	4	Q. You can answer, if you understand it.	4	distinction from income that you receive from
5	retired, right?	5	A. Rephrase it.	5	an investment rather than income that you
6	A. Yes.	6	Q. Sure. Your family owned the business,	6	receive as having been earned; is that right?
7	Q. So do you remember a few minutes ago,	7	right?	7	A. Yes.
8	I asked you what you did in 2003 when you were	8	A. Yes.	8	Q. Now, currently, you said you are
9	paid earnings of \$15,153 from John T. Clark &	9	Q. You said that although you received	9	employed by Columbia Coastal; is that right?
10	Son?	10	\$15,000 in earnings in 2003, you didn't really	10	A. Yes.
11	Do you remember I asked you that	11	do anything for that money; is that right?	11	Q. And you got that job out of the union
12	question?	12	A. Right.	12	hall; is that right?
13	A. Yes.	13	Q. So why, then, would you take that	13	A. Yes.
14	Q. You said nothing, is that right?	14	money from the company in terms of income	14	MR. MAHONEY: Can we mark that as
15	retired, right?	15	rather than a distribution from the profits?	15	the next exhibit, please?
16	Q. If you weren't doing anything for	16	MR. LATHROP: Objection to the	16	(Exhibit-2, Answers to
17	work, why did you take income from the John	17	form of the question. Among other things, it	17	Admissions, marked for
18	T. Clark & Son Company and report it as W-2 -	18	assumes facts not in evidence.	18	identification.)
19	as receiving income in any other way?	19	MR. MAHONEY: Your objection is	19	BY MR. MAHONEY:
20	MR. LATHROP: Objection to the	20	noted.	20	Q. Mr. Keefe, I'm going to show you what
21	form of the question.	21	A. I don't know anything about profits or	21	we marked now as Exhibit 2. I want you to look
22	BY MR. MAHONEY:	22	anything like that.	22	at the very last page of that document, Page
23	Q. For example, a distribution from the	23	Q. When you got that \$15,000 -- when you	23	13.
24	profits of the company.	24	signed your tax return in 2004 for your 2003	24	Is that your signature, sir?

1 A. Yes.  
 2 Q. And you understand that these are  
 3 requests for admissions that were sent by the  
 4 defendants to you; is that right?  
 5 A. Yes.  
 6 Q. And you signed that document under the  
 7 pains and penalties of perjury; is that right?  
 8 A. Yes.  
 9 Q. In so doing and in so signing, you  
 10 were indicating that the answers in response to  
 11 the question were truthful as to the best of  
 12 your knowledge; is that right?  
 13 A. Yes.  
 14 Q. And can you turn to Page 9, please?  
 15 A. Yes.  
 16 Q. Do you see Request 32?  
 17 A. Yes.  
 18 Q. Tell me if I read this incorrectly.  
 19 "At the February 6, 2003, rules  
 20 committee meeting, you were suspended for six  
 21 months and removed from Gang 10 for a violation  
 22 of your pledge to the union."  
 23 Did I read that correctly?  
 24 A. Yes.

1 Q. And you answered "admitted that in  
 2 February of 2003, the rules committee had a  
 3 meeting about Keefe's gang status without ever  
 4 informing Keefe."  
 5 Did I read that correctly?  
 6 A. Yes.  
 7 Q. "The rules committee suspended Keefe  
 8 for six months and put him back in Gang 12 for  
 9 supposedly having another job."  
 10 Did I read that correctly?  
 11 A. Yes.  
 12 Q. "Keefe continues to have another  
 13 income from JTC, not another job, and the rules  
 14 committee members know this."  
 15 Did I read that correctly?  
 16 A. Yes.  
 17 Q. "Denied that this was done for Keefe's  
 18 violation of his pledge to the union."  
 19 Did I read that correctly?  
 20 A. Yes.  
 21 Q. All other statements are denied; is  
 22 that correct?  
 23 A. Yes.  
 24 Q. I want to ask you specifically about

1 the statement that you made under the pains and  
 2 penalties of perjury on January 19, 2006, that  
 3 you continued to have another income from JTC.  
 4 Do you see that?  
 5 A. Yes.  
 6 Q. JTC, I assume you mean John T. Clark;  
 7 is that right?  
 8 A. Yes.  
 9 Q. What type of income do you receive or  
 10 were you receiving in January 2006 from John  
 11 T. Clark?  
 12 A. Nothing.  
 13 Q. Well, on Page 9 in response to request  
 14 Number 32, you said that you were receiving  
 15 another income from John T. Clark in January of  
 16 2006; isn't that true?  
 17 A. This says February 2003.  
 18 Q. Let's go back to your answer.  
 19 "Keefe continues" -- do you see those  
 20 two words?  
 21 A. Right.  
 22 Q. -- "to have another income from JTC."  
 23 I've read that correctly, right?  
 24 A. Right.

1 Q. "Continues" suggests to me the present  
 2 tense; that you continue, at the time that you  
 3 signed this answer to request for admissions,  
 4 to get income from John T. Clark.  
 5 Is that not accurate?  
 6 A. In February of 2006?  
 7 Q. You signed the document dated January  
 8 17, 2006; is that right?  
 9 A. Yes.  
 10 Q. And in response, in 32 you say, "Keefe  
 11 continues."  
 12 That would suggest to me that at the  
 13 time you signed the document, you were getting  
 14 income from John T. Clark; that's not correct?  
 15 A. You asked me in February 6, 2006; that  
 16 is what you asked me.  
 17 Q. No. The request says at the February  
 18 6, 2003, rules committee meeting, you were  
 19 suspended for six months and removed from Gang  
 20 10 for a violation to your pledge to the  
 21 union.  
 22 And then you say, "Admitted that in  
 23 February 2003, the rules committee held a  
 24 meeting about Keefe's gang status without ever



1 informing Keefe."

2 Is that right so far?

3 A. Right.

4 Q. The rules committee suspended Keefe  
5 for six months and put him back in Gang 12 for  
6 supposedly having another job; is that correct?

7 A. Right.

8 Q. Do you see the tense in the word  
9 suspended? That is past tense, wouldn't you  
10 agree with that, not meaning that your  
11 suspension occurred in the past, not in January  
12 of 2006?

13 A. Right.

14 Q. It occurred in 2003, right?

15 A. 2003, I was suspended, right.

16 Q. And the next sentence says, "Keefe  
17 continues to have another income from JTC."

18 That would suggest to me that you are  
19 getting income from John T. Clark in January of  
20 2006.

21 A. No, I'm not.

22 Q. That is not a correct answer in this  
23 admission?

24 MR. LATHROP: Objection to the

1 into the rules committee in 2003 or a copy of  
2 it?

3 A. Yes.

4 Q. It indicates, just as Exhibit 1 does,  
5 that you received \$15,153 in income in 2003  
6 from John T. Clark; is that right?

7 A. Yes.

8 Q. Now, it says -- if you look at the  
9 very top left of this, it is sort of cut off,  
10 but it looks to me like it says query date  
11 August 17, '04; is that right?

12 A. Yes.

13 Q. So you would agree with me that this  
14 is a document that would have had to have been  
15 produced sometime in '04 to have the total  
16 amount that you earned from Clark in 2003; is  
17 that right?

18 A. Yes.

19 Q. So is it your memory that sometime  
20 after August of 2004 that you handed this  
21 document over to the rules committee?

22 A. I handed it, I think, that day or the  
23 next day.

24 Q. So either the 17th or 18th of '04?

1 form of the question.

2 A. No, I haven't received income from JTC  
3 since 2004, I think.

4 Q. You don't --

5 A. Since the last time I went to the  
6 rules committee and they asked me to get  
7 something from the I.R.S., and I gave them that  
8 form.

9 Q. What form is that?

10 A. I don't know. You were on the rules  
11 committee.

12 Q. Mr. Sullivan was?

13 A. Yes. You asked me to send something  
14 from the I.R.S.

15 MR. MAHONEY: Let me make a copy  
16 of this.

17 (Exhibit-3, IRS Form, marked for  
18 identification.)

19 (Brief break.)

20 BY MR. MAHONEY:

21 Q. You got Exhibit 3 in front of you,  
22 Mr. Keefe?

23 A. Yes.

24 Q. Is that the document that you brought

1 A. Yes. There was a rules committee  
2 meeting that I had to go to.

3 Q. Let's get back to the admission. And  
4 I think we marked that as 2, didn't we? Is  
5 that right?

6 It says here in admission that you  
7 continue to have another income from JTC, in  
8 the response to Request Number 32 on Page 9 of  
9 Exhibit 2; is that right?

10 A. In 2003?

11 Q. No. I'm trying to get to the basis of  
12 this. You signed this in January of 2006. The  
13 way I read it is it says you continued to have  
14 another income from John T. Clark. Let me ask  
15 you directly.

16 Do you get any money whatsoever,  
17 regardless of how it is described, income or  
18 distribution or anything, from John T. Clark  
19 currently, or were you getting any money from  
20 John T. Clark in January of 2006 when you  
21 signed these admissions?

22 A. No.

23 Q. So you don't receive a dime from that  
24 company, regardless of whether it's W-2 income

1 or whether it's a 1099 Form or a K-1 or  
2 whatever?

3 A. No.

4 Q. On your 2005 tax return, did you  
5 report receiving any money, regardless of how  
6 it is described, from John T. Clark & Son,  
7 2005?

8 A. No.

9 Q. So is it your testimony that if we had  
10 your tax returns here in front of us from 2003  
11 to the most recently filed one of 2005, that  
12 the last time that John T. Clark would appear  
13 on your federal or state return in any form  
14 would be in 2003?

15 A. As far as I can remember, yeah. When  
16 I gave this form, that's when I stopped working  
17 for John T. Clark.

18 Q. I'm not talking about work. I'm  
19 talking about any money whatsoever from Clark.

20 A. No.

21 Q. So then just to wrap up this issue,  
22 the answer in response to Request Number 32 is  
23 not correct because you were not receiving  
24 income in January of 2006 from John T. Clark;

1 A. 11.

2 Q. We will talk in more detail about your  
3 suspension in a little while. You were  
4 suspended in 2003, in the spring of 2003; is  
5 that right?

6 A. I don't even know what date it was.

7 Q. We can narrow that down later.

8 MR. MAHONEY: Let's mark the  
9 complaint.

10 (Exhibit-4, Complaint, marked  
11 for identification.)

12 BY MR. MAHONEY:

13 Q. Let me do a few more housekeeping  
14 things. Have you ever had a conversation with  
15 any member of the union about your suspension?

16 A. No.

17 Q. Have you ever had any conversation  
18 with any member of the rules committee who were  
19 on the rules committee in 2003 about your  
20 suspension?

21 A. I don't even remember who was on the  
22 rules committee in 2003.

23 Q. When I ask you that question, do you  
24 understand that I'm asking you, not about

1 is that right?

2 A. No, I was not.

3 MR. LATHROP: I will object to  
4 the form of the question. We will stipulate  
5 that your interpretation is not correct. That  
6 the "continues" didn't mean continues through  
7 January of '06; it meant continuing past  
8 February of '03.

9 You've elicited everything else in  
10 terms of when it ended.

11 BY MR. MAHONEY:

12 Q. If the statement said Keefe continued  
13 through 2003 to receive income from John  
14 T. Clark, that would be a correct statement?

15 A. 2003?

16 Q. Yeah. Right here.

17 A. Yes. Not for the whole year.

18 Q. I understand. Were you laid off from  
19 Clark in 2003?

20 A. No. I just stopped working for them.

21 Q. Why did you do that?

22 A. So I could get into the union and get  
23 straight with them.

24 Q. Back into Gang -- was it 10?

1 anything that may have been said at a hearing,  
2 but outside a hearing process?

3 Did you understand that when I was  
4 asking you that question?

5 A. Yes.

6 Q. So with that understanding, have you  
7 ever had any conversation with Mr. Sullivan  
8 about your suspension?

9 A. No.

10 Q. Have you ever had any conversation  
11 with Mr. Richard Flaherty about your  
12 suspension?

13 A. No.

14 Q. Have you ever had any conversation  
15 with Mr. Picard, Joseph Picard, about your  
16 suspension?

17 A. No.

18 Q. That's a no?

19 A. No.

20 Q. What about Mr. Langin, have you ever  
21 had a conversation with him about your  
22 suspension?

23 A. No.

24 Q. What about Brendon Lee, did you ever



Page 33	Page 35
<p>1 have a conversation with him about your 2 suspension in 2003? 3 A. About any suspension, no. 4 Q. When is the last time you spoke with 5 Mr. Lee? 6 A. Two or three months ago maybe. 7 Q. What did you talk to him about? 8 A. He talked to me. 9 Q. He called you? 10 A. He talked to me. I didn't approach 11 him; he approached me. 12 Q. You saw him in person? 13 A. Yes. 14 Q. Where was that? 15 A. Down at the pier. 16 Q. What did he say? 17 A. He asked me why he was getting 18 subpoenaed. 19 Q. And what did you say? 20 A. I said, "You will have to talk to your 21 lawyer." 22 Q. Was that it? 23 A. He then asked me or told me his wife 24 was getting upset about this ordeal. And I</p>	<p>1 A. No. 2 Q. What about Bernie O'Donald, have you 3 ever spoken to him about your suspension? 4 A. Yes. 5 Q. And when did you have a conversation 6 with Mr. O'Donald? 7 A. I don't know what date or what year. 8 It was a couple of years ago. 9 Q. Is that the only one you ever had with 10 him about your suspension, the only 11 conversation? 12 A. Yes. 13 Q. What did you say and what did he say? 14 A. I don't even recall. I just know we 15 talked. 16 Q. Did you make any note to that 17 conversation? 18 A. Any notes? 19 Q. Yes. 20 A. No. 21 Q. Is there any document that would 22 refresh your memory about what you spoke to 23 Mr. O'Donald about regarding your suspension? 24 A. No.</p>
Page 34	Page 36
<p>1 said, "You will have to talk to your 2 attorney." 3 Q. Is that it? 4 A. Yes. I would say so, yes. 5 Q. What about Stephen Meigs, M-E-I-G-S? 6 A. No. 7 Q. Mr. Keefe, you have to let me ask the 8 question, even though I know you know where it 9 is going. It makes it easier for the 10 stenographer. 11 What about John Mirand, have you ever 12 had any conversation with him about your 13 suspension? 14 A. No. 15 Q. What about Mark Connelly? 16 A. No. 17 Q. Michael McAvoy, have you ever spoke 18 with him about your suspension? 19 A. No. 20 Q. Have you ever spoken to William 21 McNamara about your suspension? 22 A. No. 23 Q. Have you ever spoken to Gerard Parto 24 (phonetic) about your suspension?</p>	<p>1 Q. Have you ever spoken to Paul 2 McGaffegan about your suspension, 3 M-C-G-A-F-F-E-G-A-N? 4 A. Yes. 5 Q. When did you speak with 6 Mr. McGaffegan? 7 A. It was in the wintertime. It was down 8 the pier. It was just small talk. 9 He said something about Bernie 10 O'Donald, and I said I had just got off the 11 phone with Bernie. And he said, You couldn't 12 have. I said, I did. He said, He was in 13 Florida. I said, I called and talked to him on 14 his cell phone. And that was it. 15 Q. If I was to characterize your 16 conversation with Mr. McGaffegan about your 17 suspension, would it be fair to say that you 18 just spoke to him about calling Mr. O'Donald? 19 A. Right. It wasn't about suspensions. 20 Q. Did I ask you about Mark Keo, have you 21 ever spoken to him about your suspension? 22 A. No. 23 Q. What about Michael Connelly, have you 24 ever spoken to him about your suspension?</p>

1 A. No.  
 2 Q. How about Conrad Bailey, have you ever  
 3 spoken to him about your suspension?  
 4 A. No.  
 5 Q. How about Michael Pyne, P-Y-N-E, have  
 6 you ever spoken to him about your suspension?  
 7 A. No.  
 8 Q. What about Patrick Flaherty, have you  
 9 ever spoken to him about your suspension?  
 10 A. No.  
 11 Q. You are a member of 805; is that  
 12 right?  
 13 A. Yes.  
 14 Q. You are not a member of 799, right?  
 15 A. No.  
 16 Q. And you are not a member of 800,  
 17 right?  
 18 A. No.  
 19 (Exhibit-5, Hall Work, marked for  
 20 identification.)  
 21 BY MR. MAHONEY:  
 22 Q. Now, I've marked as Exhibit 5 a  
 23 five-page document.  
 24 Do you recognize this document, sir?

1 A. Yes.  
 2 Q. Do you still have your answers to the  
 3 admissions in front of you?  
 4 A. Yes.  
 5 Q. Would you turn to Page 2, please.  
 6 Do you see request Number 4 where it  
 7 says, "Rule 37 of the hiring hall work rules  
 8 for Local 799, 800, and 805 permits a six-month  
 9 suspension from a gang or steady job for a  
 10 member's violation of his pledge or due to his  
 11 failure to appear before the rules committee  
 12 when summoned."  
 13 And you admitted that in your answers;  
 14 is that right? I'm asking you to look at Page  
 15 2 of the admissions.  
 16 A. I know.  
 17 Q. You admitted that to be a correct  
 18 statement; is that right?  
 19 A. Yes.  
 20 Q. And so you also understood when you  
 21 admitted that in January of 2006 that that  
 22 admission was referring directly to what we've  
 23 now marked as Exhibit 5 as the hiring hall  
 24 rules, right?

1 A. Yes.  
 2 Q. At the bottom of Page 2, Request  
 3 Number 7 on May 25, 2000, you signed a pledge  
 4 sheet affirming your compliance with hiring  
 5 hall rule 36 as it existed in May of 2000, and  
 6 then you answer "admitted"; is that right?  
 7 A. Yes.  
 8 Q. And then in Request Number 8 in May of  
 9 2000, you signed a pledge with Local 805. You  
 10 were working exclusively at the craft of being  
 11 a longshoreman. And you answered "admitted,"  
 12 is that right, on Page 3?  
 13 A. Yes.  
 14 MR. MAHONEY: Mark that as the  
 15 next exhibit, please.  
 16 (Exhibit-6, Pledge Dated 5/25/00,  
 17 marked for identification.)  
 18 BY MR. MAHONEY:  
 19 Q. We were just talking about the pledge  
 20 that you signed in May of 2000. I'm going to  
 21 show you what we now marked as Exhibit 6 to  
 22 this deposition and ask if that is the pledge  
 23 that you signed on May 25, 2000, or a copy of  
 24 it?

1 A. Yes.  
 2 Q. When you read that, those words on  
 3 Exhibit Number 6, you understood them; is that  
 4 right?  
 5 A. Yes.  
 6 Q. Otherwise, you wouldn't have signed  
 7 it, right?  
 8 A. Yes.  
 9 Q. You understood the capitalized,  
 10 underlined phrase "working at this craft  
 11 exclusively," otherwise you wouldn't have  
 12 signed it, right?  
 13 A. Yes.  
 14 Q. John T. Clark & Son, they're contract  
 15 stevedores and marine terminal operators, is  
 16 that right, or they were?  
 17 A. Yes.  
 18 Q. What type of work did Local 805 do?  
 19 A. Union work.  
 20 Q. Are they stevedores?  
 21 A. No.  
 22 Q. They are not. Are they longshoremen?  
 23 A. Yes.  
 24 Q. What does a longshoreman do?

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1 A. A variety of things, unload ships, car  
2 jobs.

3 Q. Drive cars off of ships. Anything  
4 else?

5 A. Salt jobs.

6 Q. What is a salt job?

7 A. Unload salt passenger ships.

8 Q. A longshoreman works down at the dock  
9 at a port, regardless of where it is, right?

10 A. Yes.

11 Q. And could you generally say that a  
12 longshoreman is a laborer who will unload all  
13 types of cargo from ships that is brought into  
14 the port; is that right?

15 A. Yes.

16 MR. MAHONEY: Let's mark this as  
17 the next exhibit, please.

18 (Exhibit-7, Letter Dated 5/24/00,  
19 marked for identification.)

20 BY MR. MAHONEY:

21 Q. I'm going to show you, Mr. Keefe, what  
22 we've marked as Exhibit 7 and ask if you  
23 recognize this document?

24 A. Yes.

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1 Q. What do you recognize it to be?

2 A. It's a letter from William Horahoa.

3 Q. Who is William Horahoa?

4 A. He is the president of John T. Clark  
5 or was the president of John T. Clark.

6 Q. What is the date on the letter?

7 A. May 24th, 2000.

8 Q. Who is the addressee on the letter?

9 To whom it may concern?

10 A. Yes.

11 Q. Now, in May of 2000, Mr. Horahoa  
12 indicated that "Mr. Keefe is employed by our  
13 company," meaning John T. Clark & Son, "on a  
14 casual basis as a longshoreman working at the  
15 Conley Container Terminal"; is that correct?

16 A. Yes.

17 Q. Earlier, when you said that your  
18 family was taking care of you, had your job  
19 duties or responsibilities or any of the work  
20 that you did at John T. Clark & Company at any  
21 time when you were getting money from them,  
22 ever change?

23 A. At any time?

24 Q. Yeah. Why don't I limit the

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1 question.

2 From 2000 until 2003, did your job  
3 duties and responsibilities at John T. Clark &  
4 Son change?

5 A. No. I was working out of the hall.

6 MR. MAHONEY: So let's mark the  
7 W-2 from 2000 as the next exhibit from John  
8 T. Clark. Actually, there is two of them.

9 For the record, we will do 8A as the  
10 76,362 one, and we'll do 8B as the 13,585 W-2  
11 from 2000.

12 (Exhibit-8A and 8B, W-2s for  
13 2000; Exhibits-9A and 9B, W-2s  
14 for 2001; Exhibits-10A and 10B,  
15 W-2s for 2002, marked for  
16 identification.)

17 MR. MAHONEY: For the record,  
18 Exhibit I contains three documents. One is the  
19 W-2 of John T. Clark & Son. 1A, which we are  
20 going to mark in a minute, is a W-2 from  
21 Columbia Coastal. And then 1C appears to be a  
22 copy of the amount of unemployment compensation  
23 that the plaintiff received in 2003.

24 So let's mark 1B and 1C.

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1 (Exhibit-1B, W-2; Exhibit-1C,  
2 Unemployment Compensation, marked  
3 for identification.)

4 BY MR. MAHONEY:

5 Q. We've already talked about Exhibit I.  
6 Let's talk about Exhibit 1B.

7 What is that, sir?

8 A. Unemployment -

9 Q. A copy of unemployment compensation?

10 A. - compensation.

11 Q. It appears you received more than  
12 \$19,000 from the Commonwealth for unemployment  
13 compensation; is that right?

14 A. Yes.

15 Q. You applied for that unemployment  
16 compensation as a result of being laid off?

17 A. Yes.

18 Q. Who were you laid off by?

19 A. The union.

20 Q. Did you have to list a specific  
21 employer?

22 A. P&O Ports, I think.

23 Q. When did you begin to collect  
24 unemployment compensation in 2003?



1 A. I don't remember. I don't know what  
 2 month or --  
 3 Q. All right. Well, if you were  
 4 suspended in March of '03, would it be fair to  
 5 infer that you applied for unemployment  
 6 compensation sometime after March of 2003; is  
 7 that right?  
 8 A. I would say yes, but I don't know. I  
 9 don't know if that is the right date or not.  
 10 Q. Well, let me try it this way.  
 11 A. I would have to go back to my records  
 12 and see.  
 13 Q. What records are those?  
 14 A. There is more stuff I have at home for  
 15 unemployment.  
 16 Q. You wouldn't have applied for  
 17 unemployment if you were still working?  
 18 A. No.  
 19 Q. And you said a moment ago you applied  
 20 for unemployment after your suspension from the  
 21 union; is that right?  
 22 A. I would say so, yes.  
 23 Q. With regard to Exhibit 1C, Columbia  
 24 Coastal, it looks like maybe you got a paycheck

1 or less from that company in 2003. It is only  
 2 \$700.  
 3 A. Right.  
 4 Q. Do you have any idea when you earned  
 5 that, what part of the year?  
 6 A. No, I don't.  
 7 Q. Do you know what the word "mitigate"  
 8 means?  
 9 A. No.  
 10 Q. You know what the word "reduce" means,  
 11 right?  
 12 A. Yes.  
 13 Q. Would it be fair to say that you  
 14 applied for unemployment compensation and that  
 15 reduced the amount of income that you lost from  
 16 your suspension; is that fair?  
 17 A. Rephrase the question.  
 18 Q. Sure.  
 19 Would it be fair to say that the  
 20 amount of compensation you received from the  
 21 state from the Division of Employment and  
 22 Training of \$19,773 reduced the amount of  
 23 income that you lost as a result of your  
 24 suspension from the union?

1 A. Yes.  
 2 Q. What is your memory, Mr. Keefe, of  
 3 when you returned to the union and were then  
 4 sent out again after the suspension? Was it in  
 5 the calendar year 2003, or was it in 2004?  
 6 A. I think it was 2004.  
 7 Q. Earlier, we marked as Exhibit 3 this  
 8 document, which was a printout that you  
 9 provided to the union after your suspension,  
 10 showing that you were no longer working at John  
 11 T. Clark; is that right?  
 12 A. Yes.  
 13 Q. And is it your memory that you were  
 14 put back on Gang 11 after you provided that  
 15 document?  
 16 A. Yes.  
 17 Q. And the document is dated August of  
 18 '04; is that right?  
 19 A. Yes.  
 20 Q. Why didn't you attempt to get a  
 21 document, such as that, if you had a six-month  
 22 suspension from the union in September of '03?  
 23 A. I didn't know these existed and they  
 24 never asked. They just started -- I think the

1 rules committee just started getting these  
 2 around this time.  
 3 Q. You claim in your complaint that you  
 4 were suspended for six months, and we will get  
 5 into the reasons in your allegations later.  
 6 That is what you are saying, that you  
 7 were improperly suspended for six months?  
 8 A. Yes.  
 9 Q. The suspension occurred sometime in  
 10 March of '03, regardless of the specific date?  
 11 A. Around that time.  
 12 Q. So if it occurred sometime in March of  
 13 '03, it would have been up some time in  
 14 September of '03, right?  
 15 A. Yup.  
 16 Q. And, yet, you didn't return to the  
 17 union until August of '04 to be put back on  
 18 Gang 11; is that right?  
 19 A. I came back when they said I could  
 20 come back.  
 21 Q. So if you came back when they said you  
 22 could come back and you had a six-month  
 23 suspension, you would have returned in  
 24 September of '03; is that right?

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1 A. I don't know. I don't know the  
2 dates. Whatever the dates --  
3 MR. MAHONEY: Let's go off the  
4 record.  
5 (Brief break.)  
6 BY MR. MAHONEY:  
7 Q. Mr. Keefe, is it your memory or your  
8 testimony that -- strike that.  
9 Were you not sent out after your  
10 suspension in Gang 11? Were you not sent out  
11 in Gang 11 until 2004?  
12 A. I don't know.  
13 Q. Are you being sent out currently from  
14 Gang 11?  
15 A. Yes.  
16 Q. And you've given me W-2s for 2004 as  
17 well.  
18 MR. MAHONEY: And why don't we  
19 just mark these three as the next Exhibit A, B  
20 and C, whatever the number is.  
21 (Exhibit-11A, 2004 W-2; Exhibit-  
22 11B, 2002 W-2; Exhibit-11C, W-2  
23 Wage Summary, marked for  
24 identification.)

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1 BY MR. MAHONEY:  
2 Q. Regardless of the date that you were  
3 placed back on Gang 11, Mr. Keefe, after your  
4 suspension, had you been working out of Gang 11  
5 since that date?  
6 A. 11. 11 and now 10.  
7 Q. Now, according to answers that the  
8 defendants provided to questions that your  
9 attorney asked, which was signed by  
10 Mr. McGaffegan in January of '05, he indicated  
11 that you were placed back in Gang 11 on August  
12 6, 2003.  
13 Do you have any reason to disbelieve  
14 that that is accurate? Do you think that is  
15 not true, in other words?  
16 A. August 6, '03?  
17 Q. Yup.  
18 A. I would say that's correct, yeah. I  
19 guess.  
20 Q. In 2000, 2001, and 2002, you were  
21 getting income from Clark and income from the  
22 union, is that right, when you were placed out?  
23 A. Yes.  
24 Q. Let's go to 2003. You have a copy of

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1 Exhibit 1 in front of you, right?  
2 In 2003 you earned \$15,153 from Clark;  
3 is that right?  
4 A. Yes.  
5 Q. And you were paid \$19,773 from  
6 unemployment; is that right?  
7 A. Yes.  
8 Q. And you got 108.50 from Columbia  
9 Coastal; is that right?  
10 A. Yes.  
11 Q. So would it be fair to say that in  
12 2003, the only income that you received from  
13 having been placed out by the union was  
14 \$708.50; is that right?  
15 A. Having been placed out of the union  
16 hall?  
17 Q. Having been dispatched by the union  
18 hall. The money you got from Columbia Coastal,  
19 in other words.  
20 A. I don't see another company down here  
21 but I don't know. I guess, yeah.  
22 Q. That brings up a good point.  
23 MR. MAHONEY: Until I get a  
24 formal response on your -- to my request of

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1 documents, I'm going to exhaust my questioning  
2 today. Until I get a full response, I'm going  
3 to suspend on that issue, just so that I can  
4 ascertain that this is the only other income.  
5 MR. LATHROP: I will tell you in  
6 advance, what we will say is that we will and  
7 have produced any and all W-2s for the years  
8 requested.  
9 MR. MAHONEY: Right. But the  
10 request also asks for the tax returns  
11 redacted. Until I get a formal response on  
12 that issue, I'm going to suspend. I'm going to  
13 exhaust every other line of questioning that I  
14 can today.  
15 MR. LATHROP: Sure.  
16 BY MR. MAHONEY:  
17 Q. Let's go to 2002, then, sir.  
18 In 2002 you earned \$76,362 on one W-2  
19 from Clark; is that right?  
20 A. Yes.  
21 Q. And then you also earned \$6,444.55 on  
22 a second W-2 from Clark; is that right?  
23 A. Yes.  
24 Q. Why did you get two W-2s that year

1 from Clark? Is the 6,000 a bonus?  
 2 A. No. The 6,444 was from the union  
 3 hall.  
 4 Q. You were dispatched to Clark and  
 5 earned \$6,444? You were dispatched from the  
 6 union?  
 7 A. Yeah.  
 8 Q. The \$76,000 you earned was not as a  
 9 result of being dispatched by the union; is  
 10 that right?  
 11 A. Correct.  
 12 Q. Additionally, in 2002, it looks like  
 13 you earned 16,005.19 from Coastal; is that  
 14 right?  
 15 A. Yes.  
 16 Q. That was also as a result of being  
 17 dispatched by the union hall?  
 18 A. Yes.  
 19 Q. And then in 2002, it looks like you  
 20 earned \$1,853 from P&O Ports of New England?  
 21 A. Yes.  
 22 Q. Was that as a result of being  
 23 dispatched by the union hall?  
 24 A. Yes.

1 for 2002 and 2003, those two years? In other  
 2 words, excluding any benefits you received or  
 3 any other money that you received from Clark  
 4 that was not dispatch related.  
 5 A. Strictly out of the union hall?  
 6 Q. Yeah.  
 7 A. Whatever is down here.  
 8 Q. You never sat down and figured it out;  
 9 is that right?  
 10 A. No.  
 11 Q. Now, we marked as the most recent  
 12 exhibits numbered 11A, 11B, and 11C. And these  
 13 are your W-2s from 2004; is that right? I'm  
 14 sorry.  
 15 Let me show you 11A, 11B, and 11C.  
 16 A. Yes.  
 17 Q. Those are your W-2s from 2004?  
 18 A. Yes.  
 19 Q. Do you have copies of them in front of  
 20 you?  
 21 A. Yes.  
 22 Q. According to 11A, you earned  
 23 \$30,235.16 from Columbia Coastal; is that  
 24 right?

1 Q. You also earned \$1,040 from BSA  
 2 Central Records Bureau.  
 3 Was that as a result of being  
 4 dispatched by the union hall in 2002?  
 5 A. That is from the union. Is there a  
 6 vacation pay from --  
 7 Q. That is not dispatch related?  
 8 A. No. I got it from being dispatched  
 9 through -- I got my hours but I had a vacation,  
 10 too.  
 11 Q. The BSA of New England, that is a  
 12 benefit payment rather than an income earned?  
 13 A. Yes.  
 14 Q. Would that be the same for the \$3,328  
 15 also from BSA paid holidays?  
 16 A. Yes.  
 17 Q. That's a benefit, okay.  
 18 What about this last 2002 from BSA ILA  
 19 supplemental first container, it looks like,  
 20 \$15,500 in 2002, is that dispatched  
 21 earned income or is it benefit income?  
 22 A. Benefit.  
 23 Q. Do you know, off the top of your head,  
 24 what your average dispatch earned income was

1 A. Yes.  
 2 Q. That was income earned as a result of  
 3 being dispatched in the union?  
 4 A. Yes.  
 5 Q. 11B \$1,080 is BSA Central Records  
 6 Bureau, is that a benefit amount rather than  
 7 dispatched earned income?  
 8 A. How much was it?  
 9 Q. 1,080.  
 10 A. Yes.  
 11 Q. And then the 11C is \$108 from P&O  
 12 Ports of New England.  
 13 A. Yes.  
 14 Q. Is that dispatch or benefit?  
 15 A. Dispatch.  
 16 Q. So in 2004, your dispatched earned  
 17 income was approximately \$30,300, is that  
 18 right, if you add the 108 and the --  
 19 A. Yes.  
 20 Q. Tell me about the dispatch procedure.  
 21 You show up and present yourself as being able  
 22 to work on any given morning, right?  
 23 A. Yes.  
 24 Q. And you have work to do, which usually



1 consists of unloading ships; is that right?

2 A. Yes.

3 Q. In 2003 when you were suspended, were  
4 you in Gang 11 or 10?

5 A. Gang 11.

6 Q. So when you are in Gang 11 -- let's  
7 assume that there is whatever, a number of guys  
8 down there waiting to be dispatched -- how is  
9 the work given out on a morning?

10 A. It is given out by the hiring hall, by  
11 the delegates. They call certain gangs. They  
12 go down a list.

13 Q. Gang 11, do the members of that gang  
14 have any special abilities or duties that  
15 members of Gangs 1 through 10 and then 12 don't  
16 have -- strike that.

17 What is the difference between Gang 11  
18 versus Gang 1 through 10?

19 A. One through 10, they made their  
20 hours. They have gone through the process of  
21 going through Gang 11 for two years, 10 for one  
22 year, and then you go in 1 through 9.

23 Q. Are you telling me that the gang  
24 groupings are based on seniority?

1 would show up in 2003, if there is a number of  
2 guys who were ahead of you in Gangs 1 through  
3 10, how would you know when you would be called  
4 to do any type of work?

5 A. They would call the gangs. The  
6 delegates would call Gangs 1 through 9 and then  
7 Gang 10 and then Gang 11.

8 Q. In 2003 what type of work were you  
9 doing? You told me about salting. You told me  
10 about unloading cargo. And you told me about  
11 moving cars.

12 Did you do any of that type of work?

13 A. I never did cars. I never did a salt  
14 job, no.

15 Q. What about cargo?

16 A. Container ships, yes.

17 Q. When you did the containers, what type  
18 of work did you do?

19 A. I drove.

20 Q. You drove the trucks that the  
21 containers were put on the back of?

22 A. Yes.

23 Q. Do you have a CDL, a commercial  
24 driver's license?

1 A. Yes.

2 Q. And that anybody who is in Gang 1 is  
3 one of the most senior members of the union; is  
4 that right?

5 A. It revolves through the weeks of how  
6 many hours they've worked that week.

7 Q. It revolves weekly or it revolves  
8 annually?

9 A. Well, weekly the gangs revolve. One  
10 doesn't necessarily mean you have the most  
11 seniority. One, you're at the top of the list  
12 for that week, and then you will go down to the  
13 bottom, because the whole gang has got their  
14 hours for that...

15 Q. You don't drop into 11 after you have  
16 been in 1, do you?

17 A. No. You are strictly 1 through 9.

18 Q. Are you saying that if you've gotten  
19 work and you're 1 through 9 and 1 through 10,  
20 then that is it for the week; and then they go  
21 down to the next number in the gang? Is that  
22 how it works?

23 A. Basically.

24 Q. So when you showed up or when you

1 A. No.

2 Q. You don't need a CDL to do that work?

3 A. No.

4 Q. Is that mostly what you would do, is  
5 drive the trucks away after a crane would put a  
6 container in the back of it?

7 A. Yes.

8 Q. Is that what you still do today?

9 A. Yes.

10 Q. Let's say we have a container ship  
11 that pulls in -- how many containers does one  
12 of these ships normally have? Hundreds?

13 A. A couple of thousand.

14 Q. And the guys in the Gangs 1 through  
15 10, are they capable of doing the same type of  
16 work that you do?

17 A. Oh, yeah.

18 Q. You have a couple of thousand ships  
19 in; how many gangs would usually apply to one  
20 ship?

21 A. Anywhere from one to four.

22 Q. So in order for you to be reached in  
23 Gang 11, do you need to have more than one ship  
24 in there in the morning?

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1 A. Not necessarily, no.  
 2 Q. If you only have one ship, and it  
 3 takes three or four gangs to unload one ship,  
 4 how would you expect to be reached if you were  
 5 in Gang 11 and if the jobs were doled out on a  
 6 seniority basis?  
 7 A. How would I get a job?  
 8 Q. Yeah.  
 9 A. The same way. They would call out the  
 10 gangs and then go to 10 and 11.  
 11 Q. Ships pull in every day; is that  
 12 right?  
 13 A. Basically.  
 14 Q. So how many days does it take to  
 15 unload one ship?  
 16 A. It could be from 4 hours to 16 hours.  
 17 Q. So no more than a day; is that right?  
 18 A. No.  
 19 Q. You have four gangs assigned to a  
 20 ship. Let's say you have Gangs 1 through 4  
 21 assigned some Monday morning. Tuesday rolls  
 22 around; you have a new ship that pulls in.  
 23 Does that mean Gangs 5 to 8 get that  
 24 one?

1 A. Yes.  
 2 Q. So during your suspension of six  
 3 months, how would you determine whether or not  
 4 you would have been placed out on any given  
 5 ship? You would look to see if Gang 11 was  
 6 called, and you say, If I had been there that  
 7 day, then I would have been called on Gang 11,  
 8 and I could have earned money on that shift.  
 9 Is that how you would go about  
 10 determining --  
 11 A. Whoever was in front of me or ahead of  
 12 me -- I know who the guy is that is in front of  
 13 me.  
 14 Q. That never changes?  
 15 A. Not unless I bypass him for a certain  
 16 reason.  
 17 Q. When you say "in front of" you, do you  
 18 mean in your specific gang or the gang in front  
 19 of you?  
 20 A. My specific gang or the gang -- you  
 21 just know who is ahead of you and who is behind  
 22 you.  
 23 Q. What is the hierarchy within your  
 24 specific gang?

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1 A. It might not be 5 to 8, but basically,  
 2 you're on the right track.  
 3 Q. Let's say Gang 5 has only two guys.  
 4 Are they skipped over and they go to Gang 6?  
 5 A. No. You would fill in -- there would  
 6 be fill-ins. Say there was only two guys, like  
 7 you said, in Gang 5, and they needed 18. The  
 8 delegates would call out those 18 jobs.  
 9 Q. And the fill-ins would not be taken  
 10 from another gang; is that right?  
 11 A. Yes, they could be. Yes.  
 12 Q. The gangs below them?  
 13 A. The gangs that weren't working that  
 14 particular day, those would be the fill-ins  
 15 first.  
 16 Q. What about day workers, were they ever  
 17 used as fill-ins? Guys who aren't in any  
 18 gang -- like Gang 12, those are guys who are  
 19 two-jobbers, right?  
 20 A. Yes.  
 21 Q. Are they used as fill-ins?  
 22 A. Oh, yeah.  
 23 Q. You use the guys with more seniority  
 24 first; is that right?

1 A. At what point?  
 2 Q. Good question. Say in 2003. You say  
 3 you knew who was in front of you.  
 4 What is the name of the guy that was  
 5 in front of you in 2003?  
 6 A. 2003 would have been, I think, Brian  
 7 Manning maybe.  
 8 Q. And how was it that Manning was in  
 9 front of you?  
 10 Did he have more seniority than you?  
 11 A. He was in a gang, I think.  
 12 Q. I'm not following you now. You say  
 13 "he was in a gang." I assumed that he was in  
 14 Gang 11 when you said --  
 15 A. He was in Gang 11, yeah.  
 16 Q. So when you say "he was in a gang," I  
 17 think you're just speaking aloud that he was in  
 18 your gang, 11?  
 19 A. Yes.  
 20 Q. So Manning was a more senior member of  
 21 11 than you, and that's why he went out in  
 22 front of you?  
 23 A. Yes.  
 24 Q. How would you determine whether or

1 not -- in 2003 when you were out -- whether  
2 only part of your gang would have been called  
3 on any given date or everyone or up to you?

4 How would you have determined what  
5 amount of work is --

6 A. Because the people behind me would  
7 have got some.

8 Q. It seems to me that that is the better  
9 way to do it.

10 Who was behind you in 2003?

11 A. There were many people behind me. I  
12 would have to look at the list.

13 Q. Who maintains those lists?

14 A. The delegates for the union hall.

15 Q. Who was the delegate for Gang 11 in  
16 2003 when you were suspended?

17 A. It wasn't for Gang 11. It was just  
18 for the South Boston, East Boston. Richie  
19 Flaherty was my delegate.

20 Q. Let's say John Jones is behind you.

21 A. All right.

22 Q. During the period of time that you  
23 were suspended, it's your contention that if  
24 John Jones went out, that you could have been

1 gangs were there.

2 Q. You got up in the morning. You're  
3 living in Green Harbor?

4 A. Yes.

5 Q. You get up in the morning and what do  
6 you do, in terms of determining whether you're  
7 going to work?

8 A. I would call the union phone the day  
9 before.

10 Q. What is the union phone?

11 A. The delegates put what work is  
12 available on the phone at 4:00 and after, and I  
13 would call them to see if there would be work  
14 the next day.

15 Q. When they put the work that is  
16 available on the phone the day before, do they  
17 say ship XXX from wherever is in; it has 4,000  
18 containers; and there will be enough work for  
19 Gangs X through Y?

20 Is that what they do?

21 A. They just name the gangs that are due  
22 on that ship and the gangs that are available  
23 and how many jobs there would be for that day,  
24 how many fill-ins.

1 out on that day?

2 A. Could be, yes.

3 Q. That is why I want to narrow it down.  
4 When you say "could be," how can you

5 say it is more likely than not that you would  
6 have went out?

7 A. I was ahead of him.

8 Q. You answered the question saying  
9 "could be."

10 A. I will answer it yes.

11 Q. During that time after you were  
12 suspended, you applied for and received  
13 unemployment compensation; is that right?

14 A. Yes.

15 Q. Of \$19,000.

16 A. Yes.

17 Q. So what's the maximum you can receive  
18 in unemployment annually; do you know?

19 A. I don't know.

20 Q. In 2003 was it your practice to report  
21 to the union hall for work every day?

22 A. Not every day, no.

23 Q. How many days a week would you go?

24 A. It depends. It depended on how many

1 Q. So you had been in Gang 11 prior to  
2 suspension for how long a period of time?

3 A. I don't recall how long it was.

4 Q. However long it was, you must have  
5 sort of developed some type of routine or  
6 average, in other words, knowing -- you got a  
7 week coming up, what would you reasonably  
8 expect to -- how many days could you reasonably  
9 expect to work?

10 A. You hear the ship is coming.

11 Sometimes it doesn't. The only way that I know  
12 is by the phone or by the fill-in.

13 Q. You are on a 24-hour-notice basis.  
14 You can't think, say, on some Friday, Gee, I  
15 worked 30 or 40 hours this week; next week, I  
16 will probably work the same? You just don't  
17 know?

18 A. No.

19 Q. Every time that there was work  
20 available for you that you heard on the phone,  
21 did you go in the next morning, in 2003?

22 A. Not every day, no.

23 Q. So we basically have two categories  
24 here; one, you could find out about work the



1 day before; and then, secondly, you would then  
2 make up your mind whether or not you were going  
3 to report to the union that following morning,  
4 right?

5 A. Yes.

6 Q. What were the factors that entered  
7 into your decision, if there was work, that you  
8 would go to work the next day?

9 A. How many jobs were available. Say  
10 there is only one gang with ten jobs, I don't  
11 think I would get a job.

12 Q. So in 2000 -- let me get a little bit  
13 more foundation.

14 Even though you're in Gang 10 now, is  
15 it basically the same type of thing; you listen  
16 to see how many jobs are available?

17 A. Oh, yeah.

18 Q. That is the same type of analysis --  
19 you use currently the same type of analysis  
20 that you did in 2003 in determining whether  
21 you're going to report to the hall the  
22 following morning, right?

23 A. Yes.

24 Q. So let's go back to 2003. In 2003

1 the hall in the morning thinking that you were  
2 going to be put out, and you just didn't get  
3 called?

4 A. Yes.

5 Q. How often had that happened in 2003?

6 A. I don't know.

7 Q. So in terms of dispatch records, if  
8 they exist, it seems -- tell me whether you  
9 agree with me or not.

10 The best way for you to determine  
11 whether or not you would have been dispatched  
12 would be if the guy behind you, let's call him  
13 John Jones, was sent out?

14 A. Yes.

15 Q. If he was sent out, then it's likely  
16 that you would have went out?

17 A. Yes.

18 Q. But before we go that far, did you  
19 ever in 2003 call that union phone, hear that  
20 there was work, hear that there was more than  
21 25 jobs available and say, I don't feel like  
22 going into work?

23 A. Yes.

24 Q. Even if John Jones was sent out, how

1 when you were in Gang 11, you would listen to  
2 how many jobs were available, and then you  
3 would make up your mind if you were going to  
4 work the following morning; is that right?

5 A. Yes.

6 Q. How many jobs, on the average, would  
7 have to be available for you to drive into  
8 Boston to go to work in the morning?

9 A. Two gangs maybe.

10 Q. Two or more gangs?

11 A. Yeah. Anywhere maybe from 15 to 25  
12 jobs.

13 Q. Educate me a little more, if you  
14 would. If you are in Gang 11, and you say 15  
15 to 25 jobs, if I do the math on that, I'm  
16 obviously not doing it correct.

17 That is like two guys per gang before  
18 they would get to you, but it doesn't work that  
19 way?

20 A. No. Some people, they might have  
21 worked the day before. They might have went  
22 after midnight; then those people would go to  
23 the back of the line.

24 Q. Have you ever, in 2003, ever gone to

1 can you say it's more likely than not that you  
2 would have got that job as well, because you  
3 may not have decided to go in that following  
4 morning?

5 A. The majority of the time, I went in.

6 Q. Let's do it for the six months prior  
7 to your suspension, and your suspension was  
8 February 6, 2003. In the six months prior,  
9 back to August of 2002, how many days a week  
10 did you work? Strike that. Let me ask that in  
11 a better way.

12 In the six months prior to February 6,  
13 2003, how many days a week did you report to  
14 work?

15 A. I don't know.

16 Q. Let's say you had a holiday weekend  
17 coming up with Monday off, did you have any  
18 regular practice of taking off Fridays as well  
19 and make it a four-day weekend?

20 A. Sure. Everybody did.

21 Q. Would you do that routinely? For  
22 example, if we use the six months prior to your  
23 suspension, that would be August 6, 2002, to  
24 February 6, 2003. You would have Labor Day,

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1 which is a Monday holiday; you would have  
 2 Columbus Day, which is a Monday holiday.  
 3 Did you get Veteran's Day off?  
 4 A. Yeah. If you were working that day,  
 5 it was a time-and-a-half day; you would work.  
 6 Q. So did you ever work on any holidays  
 7 in the six months prior to August of 2002 to  
 8 February 2003?  
 9 A. I would say I did, yeah.  
 10 Q. Generally speaking, on an average, how  
 11 many hours a week did you work after having  
 12 been dispatched by the union?  
 13 A. What period of time?  
 14 Q. August of 2002 to February of 2003.  
 15 A. The easy way to do this is to look it  
 16 up in the hours.  
 17 Q. You don't have a memory off the top of  
 18 your head?  
 19 A. No.  
 20 Q. When you say "look it up in the  
 21 hours," after you had been dispatched, would  
 22 there be any record that you're aware of kept  
 23 by the union that you were dispatched on any  
 24 given day?

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1 A. Yes, the dispatch records, and the  
 2 time sheets, the payrolls.  
 3 Q. When you are dispatched, are you paid  
 4 for a certain block of time regardless of how  
 5 much you work? You're actually driving or  
 6 unloading?  
 7 A. It depends. You might get paid for  
 8 four hours and work three and a half hours.  
 9 Q. That's what I'm trying to find out.  
 10 As a member of the union --  
 11 A. That doesn't happen too often but it  
 12 does happen.  
 13 Q. So it can take anywhere from a whole  
 14 shift to 16 hours to fully unload a ship; is  
 15 that right?  
 16 A. Yes.  
 17 Q. Let's say you got a number of gangs  
 18 out there and you have the ship unloaded in six  
 19 hours, you get paid for a full eight or what?  
 20 A. No.  
 21 Q. Is there any minimum amount you're  
 22 paid?  
 23 A. The minimum would be four.  
 24 Q. So you go out at 9:00. If you finish

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1 at 10:30, you still got four hours?  
 2 A. Yes.  
 3 MR. MAHONEY: Let's go off the  
 4 record.  
 5 (Brief break.)  
 6 BY MR. MAHONEY:  
 7 Q. Your understanding of Gang 12 was that  
 8 was a group of union members that were called  
 9 two-jobbers; is that right?  
 10 A. They had another job, yes.  
 11 Q. If you were in Gang 12, it would mean  
 12 that you were not working exclusively at the  
 13 craft; is that fair?  
 14 A. Yes.  
 15 Q. So in order to be in Gang 11, you had  
 16 to be working exclusively at the craft; is that  
 17 your understanding?  
 18 A. That is what it says, yup.  
 19 Q. Working exclusively at the craft would  
 20 mean work that you acquired from being  
 21 dispatched by the union; is that fair to say?  
 22 A. Yes.  
 23 Q. And when you received that work, that  
 24 work was reported on W-2s that you would later

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1 file with your income tax returns; is that  
 2 right?  
 3 A. Yes.  
 4 Q. And the W-2s were reports of income  
 5 that you had earned; is that fair to say?  
 6 A. Yes.  
 7 Q. And from May 24, 2000, through January  
 8 7, 2003, you were receiving health insurance  
 9 benefits from John T. Clark; is that right?  
 10 A. What's the dates again?  
 11 Q. It's actually Request Number 13, Page  
 12 4.  
 13 A. Yes.  
 14 MR. MAHONEY: I want to mark this  
 15 as the next exhibit, please.  
 16 (Exhibit-12, Letter Dated 4/7/05,  
 17 marked for identification.)  
 18 MR. MAHONEY: For the record,  
 19 Exhibit 12 is a nine-page document I'm going to  
 20 copy right now.  
 21 (Brief break.)  
 22 BY MR. MAHONEY:  
 23 Q. Mr. Keefe, I'm showing you what's been  
 24 marked as Exhibit Number 12.

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1 Have you ever seen the first document  
2 in Exhibit 12, which is a letter from Attorney  
3 McMann to your attorney?

4 A. Yes.

5 Q. And is the first time that you saw it  
6 shortly after April 7, 2005, the date of the  
7 letter, in other words?

8 A. Yes.

9 Q. If you turn to the next page, that  
10 appears to be a letter from Mr. Picard to  
11 Mr. McNamara dated September 20, 2003.

12 Have you ever seen that letter before?

13 A. No.

14 Q. You have never seen this four-page  
15 letter that Mr. Picard wrote to Mr. McNamara?

16 A. No.

17 Q. Have you ever seen, after Mr. Picard's  
18 letter to Mr. McNamara, the document right  
19 behind that that has a note at the bottom  
20 labeled Enclosure 14?

21 A. No.

22 Q. Have you ever seen the next document  
23 that says Enclosure 11?

24 A. No.

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1 Q. What about Enclosure 12, the next  
2 document?

3 A. No.

4 (Brief break.)

5 (Exhibit-13, Letter Dated 4/7/03;

6 Exhibit-14, Letter Dated

7 12/11/03, marked for

8 identification.)

9 BY MR. MAHONEY:

10 Q. On the request for admissions, which I  
11 believe has been marked as Exhibit 2, could you  
12 turn to Page 6, please?

13 A. (Witness complying.)

14 Q. Request Number 22, we asked you to  
15 admit or deny that on June 21, 2002, there was  
16 a portwide vote at which time you were a member  
17 of Local 805 that any part-time job violates  
18 the member's pledge, that member is working  
19 exclusively at the craft as a longshoreman.

20 You answered, "I have insufficient  
21 information to admit or deny. I have made a  
22 reasonable inquiry. And the information known  
23 and readily available to me is insufficient to  
24 admit or deny."

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1 Did I read that correctly?

2 A. Yes.

3 Q. I know that you said you never saw  
4 Mr. Picard's letter to Mr. McNamara before  
5 today, but you have seen President Bowers'  
6 letter to your attorney dated December 11,  
7 2003, prior to today, haven't you?

8 A. Yes.

9 Q. We have marked that as Exhibit 14,  
10 right?

11 A. Yes.

12 Q. If you turn to Page 2 of President  
13 Bowers' letter, in the middle of the first  
14 paragraph, first full paragraph, President  
15 Bowers states, "In June 2002 the membership, by  
16 an overwhelming vote, determined that even  
17 holding an outside part-time job would violate  
18 the pledge."

19 Did I read that correctly?

20 A. Yes.

21 Q. "Notices were posted in the hiring  
22 hall and at all work sites, as well as on the  
23 local's answering machine, informing workers  
24 and callers that the amended rule was being

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1 enforced."

2 Did I read that correctly?

3 A. Yes.

4 Q. And then President Bowers went on to  
5 say, "If you or your client has information to  
6 support a claim that the rule as amended is not  
7 being implemented as to particular people, then  
8 it should be furnished to the rules committee  
9 for its prompt investigation."

10 Did I read that correctly?

11 A. Yes.

12 Q. Now, I started this line of  
13 questioning by asking you about Request Number  
14 22, which specifically referred to that vote,  
15 and you said you had insufficient --

16 MR. LATHROP: Objection.

17 BY MR. MAHONEY:

18 Q. -- you said you had insufficient  
19 information to admit or deny that request; is  
20 that right?

21 MR. LATHROP: Objection to the  
22 form of the question.

23 A. Yes.

24 Q. You did receive a copy of President



1 Bowers' letter on December 11, 2003, is that  
 2 right, that is dated December 11, 2003?  
 3 A. Yes.  
 4 Q. Since the time that you received that  
 5 letter, have you ever sent any documentation or  
 6 informed anyone at the rules committee that the  
 7 rule was not being implemented as to particular  
 8 people?  
 9 MR. LATHROP: Other than this  
 10 lawsuit?  
 11 BY MR. MAHONEY:  
 12 Q. Other than the pleadings that you've  
 13 made in this lawsuit.  
 14 A. No.  
 15 Q. Let's go to your complaint. Actually,  
 16 before we go to the complaint, do you agree or  
 17 disagree that there was a vote in June 2002 in  
 18 which the union voted overwhelmingly that even  
 19 holding an outside part-time job would violate  
 20 the pledge?  
 21 MR. LATHROP: Objection to the  
 22 form of the question.  
 23 BY MR. MAHONEY:  
 24 Q. Do you agree with that or disagree

1 A. Yes.  
 2 Q. Do you agree or disagree that there  
 3 was a portwide vote in which the membership  
 4 voted overwhelmingly that even holding a  
 5 part-time job would violate the pledge, in June  
 6 of 2002?  
 7 MR. LATHROP: I renew my  
 8 objection to the form of the question.  
 9 A. Yes.  
 10 Q. You agree that there was such a vote?  
 11 A. I guess there was a vote, yeah.  
 12 Q. In your complaint in this case,  
 13 Paragraph 36 -- I think we marked the complaint  
 14 as 4.  
 15 Do you see that on Page 6, Paragraph  
 16 36?  
 17 A. Yes.  
 18 Q. You state, "Members of the rules  
 19 committee, including the current chairman of  
 20 the rules committee and his relatives, have  
 21 other jobs and incomes (such as family  
 22 business, rental income, pension, and cash-  
 23 paying jobs) while still enjoying the benefits  
 24 of Gangs 1 through 9."

1 with that?  
 2 MR. LATHROP: Objection to the  
 3 form of the question.  
 4 MR. MAHONEY: What is wrong with  
 5 the form of the question?  
 6 MR. LATHROP: It could be, "I  
 7 don't know." You're forcing him to say --  
 8 MR. MAHONEY: Now that you've  
 9 coached him --  
 10 BY MR. MAHONEY:  
 11 Q. Can you answer the question --  
 12 MR. LATHROP: You asked me to  
 13 verbalize what's wrong with the question.  
 14 MR. MAHONEY: He just told me  
 15 that he received President Bowers' letter. So  
 16 he knows that there was a vote --  
 17 MR. LATHROP: That's your  
 18 opinion.  
 19 MR. MAHONEY: -- despite his  
 20 answer in the admissions. That will be for the  
 21 judge to decide.  
 22 BY MR. MAHONEY:  
 23 Q. Do you understand my previous  
 24 question?

1 Did I read that correctly?  
 2 A. Yes.  
 3 Q. This complaint was filed on June 16,  
 4 2004; is that right?  
 5 A. Yes.  
 6 Q. Who were you referring to specifically  
 7 when you say "members of the rules committee  
 8 and the current chairman"? Who are you  
 9 referring to by name?  
 10 A. That have other jobs?  
 11 Q. Yeah.  
 12 A. I think Brendon Lee might have another  
 13 job, another income.  
 14 Q. Who else?  
 15 A. Joe Picard.  
 16 Q. Who else?  
 17 A. McGaff.  
 18 Q. McGaffegan?  
 19 A. Yeah.  
 20 Q. Who else, if anyone?  
 21 A. That are on the rules committee or --  
 22 Q. I'm just asking you -- you say  
 23 "members of the rules committee including the  
 24 current chairman." I'm asking you to identify

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1 those people who you refer to in Paragraph 36.  
 2 A. I would say those people that I just  
 3 mentioned that have other incomes.  
 4 Q. In 2003 what gang was Brendon Lee in?  
 5 A. I don't know.  
 6 Q. What local was he a member of?  
 7 A. South Boston.  
 8 Q. 805? Is that 805?  
 9 A. No. It's 800.  
 10 Q. And Picard, what local was he a member  
 11 of?  
 12 A. 800.  
 13 Q. And McGaffegan?  
 14 A. I don't know. 805 maybe.  
 15 Q. In 2003 what other job are you aware  
 16 of that Brendon Lee had?  
 17 A. I think he is an attorney.  
 18 Q. Do you know who he was working for?  
 19 A. No.  
 20 Q. What about Joe Picard, what other job  
 21 are you aware of that he had in 2003?  
 22 A. I don't know about what other job, but  
 23 he has other income.  
 24 Q. Like what?

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1 A. Rental property.  
 2 Q. What else, if anything?  
 3 A. Legal or illegal?  
 4 Q. Other income. You say in your —  
 5 A. I'm saying he has other incomes. Can  
 6 I name illegal or legal?  
 7 Q. You ought to consult with your  
 8 attorney about that. I'm asking you in  
 9 Paragraph — with regard to Paragraph 36 where  
 10 you say "other jobs and incomes."  
 11 A. I will leave it as rental income.  
 12 Q. What about McGaffegan?  
 13 A. Pensions.  
 14 Q. What else, if anything?  
 15 A. I don't know of anything else.  
 16 Q. Now, what do you understand the reason  
 17 to be for your suspension in 2003?  
 18 A. I don't know. When the rules  
 19 committee knows that there are other people  
 20 that have other incomes, I guess I had another  
 21 income.  
 22 Q. In Paragraph 33 at the top of Page 6  
 23 in your complaint, in your second sentence, you  
 24 say, "The rules committee suspended Keefe for

1 six months and put him back into Gang 12 for  
 2 supposedly having another job."  
 3 Did I read that correctly?  
 4 A. Correct.  
 5 Q. The next sentence is, "Keefe continues  
 6 to have another income from JTC, not another  
 7 job, and the rules committee members know  
 8 that."  
 9 Did I read that correctly?  
 10 A. Yes.  
 11 Q. That is actually the same response you  
 12 provided in request for admissions, Number 32,  
 13 just about; isn't that right?  
 14 A. Yup.  
 15 Q. So your understanding of the reason  
 16 for your suspension was that the rules  
 17 committee held -- determined that you had  
 18 another job; is that fair to say?  
 19 A. Yes.  
 20 Q. And we already went through all the  
 21 John T. Clark W-2s.  
 22 In 2003 you already admitted that you  
 23 did receive W-2 income from John T. Clark;  
 24 isn't that right?

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1 A. Yes.  
 2 Q. Let me see if I can get right to the  
 3 main issue.  
 4 It is your contention that because you  
 5 received that income, but you really weren't  
 6 doing any work for it, that that wasn't another  
 7 job?  
 8 A. Correct. Like a lot of other union  
 9 members down there do the same thing.  
 10 Q. But you understand that you reported  
 11 the money you received to the federal and state  
 12 government as income that you earned from  
 13 working at John T. Clark; is that right?  
 14 A. Correct.  
 15 MR. LATHROP: Objection to the  
 16 form of the question.  
 17 BY MR. MAHONEY:  
 18 Q. Leaving aside your claims about  
 19 Mr. Lee for the moment, but with regard to  
 20 Mr. Picard and Mr. McGaffegan, you said rental  
 21 property and then pension, money received from  
 22 rental property and pension. And I know you're  
 23 not a tax attorney.  
 24 That is not reportable income; isn't

1 that fair to say?

2 MR. LATHROP: Objection.

3 A. I don't know.

4 Q. Do you get any pension whatsoever?

5 A. No.

6 Q. But we already went over that you know

7 the difference between income received from a

8 stock distribution rather than income. You're

9 familiar with that, right?

10 MR. LATHROP: Objection.

11 A. Yes.

12 Q. Do you have any understanding,

13 Mr. Keefe, generally speaking, of what the

14 phrase "passive income" is?

15 A. No.

16 Q. Do you have any understanding of the

17 word or phrase "unearned income"?

18 A. No.

19 Q. On your tax returns, which we don't

20 have as of yet, did you report any unearned

21 income for, say, 2002 and 2003?

22 A. I don't think so, no.

23 Q. In Paragraph 37 of your complaint, you

24 say, "Other union members have other jobs and

1 incomes such as family business, rental income,

2 pension, and cash-paying jobs, while still

3 enjoying the benefits of Gangs 1 through 9."

4 What other members are you referring

5 to specifically?

6 A. I'm not going to name them all.

7 Q. It's a question that's reasonably

8 calculated to lead to the discovery of

9 admissible evidence.

10 Are you going to strike that

11 allegation in your complaint?

12 A. No.

13 Q. Then I want the names.

14 A. All the same names I gave you.

15 Q. The individuals that you referred to

16 in Paragraph 36 are the same individuals that

17 you're referring to in Paragraph 37?

18 A. Yup.

19 Q. Why did you make a distinction?

20 In other words, why did you say "other

21 union members" in Paragraph 37 if they are the

22 same people that you allege in Paragraph 36?

23 A. I don't know.

24 Q. Just so the record is perfectly clear,

1 the only other members that you allege that

2 have income earned while not working

3 exclusively at the craft are Brendon Lee, Joe

4 Picard, and Paul McGaffegan?

5 A. No. There is more. I think there is

6 more but...

7 Q. Who are the others?

8 A. I don't want to say.

9 Q. Then why won't you strike Paragraph 37

10 from the complaint if you don't want to name

11 them?

12 A. They will probably come up at the

13 trial.

14 Q. That is the whole point of discovery,

15 is to find out who these people are.

16 You, through your attorney, filed what

17 is called plaintiff's initial disclosures in

18 this case. It was filed on August 18, 2004.

19 In that, there is a paragraph that

20 says, "Individuals likely to have discoverable

21 information," and you listed "Stephen Meigs,

22 the president of Local 805 and on Local 805

23 rules committee."

24 Is it your testimony today that

1 Stephen Meigs is likely to have information

2 relating to either your allegations or the

3 defense of your allegations?

4 A. That he would know other people? What

5 do you mean? I don't know what you mean.

6 Q. Let me try it another way. What

7 information does Stephen Meigs have with regard

8 to this case?

9 A. I would say he knows other people that

10 have other incomes.

11 Q. Have you ever spoken to him about

12 that?

13 A. No.

14 Q. What information does Richard Flaherty

15 have?

16 A. I would say every union member knows

17 that other people have other incomes, and they

18 are not doing anything about it.

19 Q. Have you ever spoken to Mr. Flaherty

20 about that?

21 A. No.

22 Q. So is it your testimony that

23 Mr. Mirand, Mr. Connelly, Mr. Lee, Mr. McAvoy,

24 Mr. Langin, all have information with regard to



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1 other union members that have other jobs?  
 2 A. Oh, yeah.  
 3 Q. Do any of those individuals,  
 4 Mr. Mirand, Mr. Connelly, Mr. Lee or  
 5 Mr. McAvoy, have any other information  
 6 regarding either your case or the defense of  
 7 the allegations that you've made?  
 8 A. I don't know.  
 9 Q. In listing Mr. Mirand, Mr. Connelly,  
 10 Mr. Lee, Mr. McAvoy, and Mr. Langin, if they  
 11 would testify, what information would you  
 12 expect them to testify about at your trial?  
 13 A. If they were truthful, if they told  
 14 the truth, they could name people that have  
 15 other jobs and other incomes up and down the  
 16 union.  
 17 Q. Is that it with regard to all of those  
 18 men?  
 19 A. Yes.  
 20 Q. Your address, sir, is P.O. Box 726,  
 21 Green Harbor, Massachusetts 02041; is that  
 22 right?  
 23 A. Yes.  
 24 Q. How long have you had a post-office

1 seen this document before?  
 2 A. Yes.  
 3 Q. Did you receive that prior to February  
 4 6, 2003?  
 5 A. I think so, yeah.  
 6 Q. I'm going to show you what has been  
 7 marked as Exhibit 16 and ask if you have ever  
 8 seen that before?  
 9 A. Yes.  
 10 Q. Did you receive that in February of  
 11 2003?  
 12 A. Yes.  
 13 Q. I'm going to show you what we marked  
 14 as Exhibit 14 and ask you, do you recognize  
 15 that to be a copy of a -- you know, those green  
 16 cards that you get from certified mail?  
 17 A. One of these, I didn't receive.  
 18 Q. Is that your signature on that last  
 19 exhibit that I just showed you?  
 20 A. Yes.  
 21 Q. I'm going to show you what we marked  
 22 as Exhibit 18.  
 23 Have you ever seen Exhibit 18 before?  
 24 A. Yes.

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1 box in Green Harbor?  
 2 A. That is where our mail is delivered.  
 3 Q. How long has your mail been delivered  
 4 to that post-office box?  
 5 A. Forever.  
 6 Q. More than 20 years?  
 7 A. Yeah.  
 8 Q. Have you ever changed that post-office  
 9 box in the last 20 years?  
 10 A. No.  
 11 Q. Have you ever had any other address  
 12 that you received mail at in the past 20 years?  
 13 A. No.  
 14 MR. MAHONEY: Let's mark these as  
 15 the next few exhibits.  
 16 (Exhibit-15, Letter Dated 2/6/03;  
 17 Exhibit-16, Rules; Exhibit-17,  
 18 Certificate; Exhibit-18, Letter;  
 19 Exhibit-19, Letter; Exhibit-20,  
 20 Letter, marked for  
 21 identification.)  
 22 BY MR. MAHONEY:  
 23 Q. I'm going to show you what we've  
 24 marked as Exhibit 15 and ask if you have ever

1 Q. When did you see Exhibit 18 for the  
 2 first time?  
 3 A. I don't remember.  
 4 Q. Was it sometime in March of 2003?  
 5 A. It could have been.  
 6 Q. I'm going to show you what we marked  
 7 as Exhibit 19.  
 8 Have you ever seen that before?  
 9 A. Yes.  
 10 Q. When did you first see Exhibit 19?  
 11 A. I don't remember.  
 12 Q. Was it sometime in March of 2003?  
 13 A. It could have been, yeah.  
 14 Q. With regard to Exhibit 20, have you  
 15 ever seen this document before? I will  
 16 represent to you that was an attachment that  
 17 Mr. Picard sent in his letter to Mr. McNamara.  
 18 A. I don't remember ever getting anything  
 19 from Joe Picard.  
 20 Q. Why don't you read what is in Exhibit  
 21 20, and then I'm going to have some questions  
 22 about what is contained in that.  
 23 A. (Witness reviewing document.)  
 24 Q. By the way, Mr. Keefe, are you suing

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1 for your legal fees in this case?  
 2 A. I don't know yet.  
 3 Q. Have you spent any money in payment to  
 4 your lawyer in this case?  
 5 A. Yes.  
 6 Q. Are you paying Mr. Lathrop yourself?  
 7 A. No.  
 8 Q. Who is?  
 9 A. My brother.  
 10 Q. That is your brother Tim?  
 11 A. Yes.  
 12 Q. Can I see that last exhibit, please,  
 13 for a moment?  
 14 A. (Witness complying.)  
 15 Q. Thank you.  
 16 Now, you have never spoken to  
 17 Mr. Picard about this case or your suspension;  
 18 is that right?  
 19 A. No.  
 20 Q. You appeared at a rules committee  
 21 meeting on March 5, 2003; isn't that true?  
 22 A. I think so.  
 23 Q. And what was your understanding of why  
 24 you had to appear at that rules committee

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1 meeting on March 5, 2003?  
 2 Do you want me to repeat the question?  
 3 A. I don't know why.  
 4 Q. What is your memory of what occurred  
 5 at the rules committee meeting that you did  
 6 attend in March of 2003, specifically with  
 7 regard to you, not any other issue that they  
 8 may have discussed?  
 9 A. I don't know what they discussed.  
 10 Q. Where was the rules committee meeting  
 11 held that you attended in March of 2003?  
 12 A. At the hiring hall.  
 13 Q. And who was present?  
 14 A. Picard. I think all the members  
 15 maybe. I don't know how many people were  
 16 there.  
 17 Q. And you don't recall what was  
 18 discussed?  
 19 A. I came in afterwards when they tell  
 20 you to come in.  
 21 Q. What happened while you were in there  
 22 after you were called in?  
 23 A. I don't remember.  
 24 Q. Did you make any notes of what

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1 occurred?  
 2 A. No.  
 3 Q. Did you speak at all on March 5th,  
 4 2003, to address the rules committee?  
 5 A. I don't recall.  
 6 Q. Now, in 2001 you filed litigation  
 7 against the same defendants, isn't that true,  
 8 that are in this case?  
 9 A. Yes.  
 10 Q. Do you recall providing testimony in a  
 11 deposition in that case?  
 12 A. Yes.  
 13 Q. And, in fact, in your complaint,  
 14 Paragraph 32, which I think we marked as  
 15 Exhibit 4. On Page 5, you stated, "On January  
 16 27, Keefe was deposed by counsel for Local 805,  
 17 Local 800, and Local 799 in the  
 18 above-referenced case."  
 19 MR. LATHROP: January 7th.  
 20 MR. MAHONEY: I'm sorry. What  
 21 did I say?  
 22 MR. LATHROP: You said 27th.  
 23 BY MR. MAHONEY:  
 24 Q. Exhibit 4, Page 5, Paragraph 32. Let

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1 me know if I read this correctly. "On January  
 2 7, 2003, Keefe was deposed by counsel for the  
 3 Local 805, Local 800, and Local 799 in the  
 4 above-referenced case."  
 5 Did I read that correctly?  
 6 A. Yes.  
 7 Q. "At that time, counsel for Local 805,  
 8 Local 800, and Local 799 examined Keefe with  
 9 regard to the fact that during 2001 Keefe had  
 10 received income from JTC."  
 11 Did I read that correctly?  
 12 A. Yes.  
 13 Q. And in that deposition, you admitted,  
 14 as is represented today by the W-2s which we've  
 15 marked as Exhibit 9A and B, that you received  
 16 income from John T. Clark & Son; is that right?  
 17 A. Yes, that I had another income.  
 18 Q. And let's get back to the pledge. You  
 19 contend that you did not violate the pledge  
 20 because you didn't do any work to earn this  
 21 income at Clark?  
 22 A. Again, I have another income like a  
 23 lot of other people down there do.  
 24 Q. I just want to get your allegations

25 (Pages 97 to 100)

1 correctly.  
 2 You don't deny that you have another  
 3 income, right, or had at the time of your  
 4 suspension?  
 5 A. I had another income, yes.  
 6 Q. But you contend that the other income  
 7 that you had was not income that you earned  
 8 from working at the craft; is that what you're  
 9 saying?  
 10 A. Yes.  
 11 Q. Despite it being reportable income  
 12 from a stevedore company, John T. Clark, right?  
 13 A. Yes.  
 14 Q. Although Mr. Horahoa did indicate that  
 15 you worked for Clark on a casual basis as a  
 16 longshoreman in 2000, didn't he?  
 17 A. As a longshoreman, yes.  
 18 Q. You are a member of 805, right?  
 19 A. Yes.  
 20 Q. That is the longshoremen's union,  
 21 right?  
 22 A. Yes.  
 23 Q. How long have you been a member of  
 24 805?

1 A. Since 1998, I think.  
 2 Q. Has any member of the union, any  
 3 member, threatened you or coerced you about  
 4 your filing of this second lawsuit?  
 5 A. Have I had words with anybody; is that  
 6 what you are saying?  
 7 Q. Yeah, why don't we start there. Have  
 8 you had words with anyone about this second  
 9 lawsuit?  
 10 You've already told me about Brendon  
 11 Lee. Other than the discussion that you had  
 12 with him, anyone else?  
 13 A. No.  
 14 Q. Tell me whether you would agree or  
 15 disagree with this: That you were suspended in  
 16 2003 because you testified that you had  
 17 received income from John T. Clark & Son, not  
 18 because you had filed the 2001 lawsuit.  
 19 Would you agree or disagree with that?  
 20 A. I don't know why I was suspended.  
 21 Q. To this day, you don't know why you  
 22 were suspended?  
 23 A. Because they said I had another job.  
 24 I didn't have another job. I had another

1 income like a lot of other union members up and  
 2 down the list of...  
 3 Q. But that's essentially your  
 4 contention, that you had other income which was  
 5 reported as W-2 income as earnings, but you  
 6 didn't work for that money?  
 7 A. What's the question?  
 8 Q. That's your contention, that you had  
 9 income but you didn't work for it?  
 10 A. What's the question?  
 11 Q. Is that your contention, that you had  
 12 income but you didn't work for that money?  
 13 A. I was given a check every month  
 14 because it was a family business.  
 15 Q. Given a paycheck?  
 16 A. Yes.  
 17 Q. Previously, I asked you if it was a  
 18 no-show job, and you disagreed with my  
 19 characterization.  
 20 Why do you disagree with it if you  
 21 contend that you were just given a check, but  
 22 you didn't do anything for it?  
 23 A. I could go up there for five minutes  
 24 and leave. I could go up there for an hour and

1 leave and not do any work. And Timmy would  
 2 tell me to get out, go do what you want to do.  
 3 Q. Did you have any conversation with  
 4 Mr. Horahoa prior to the time that he wrote  
 5 what we marked as Exhibit 7?  
 6 A. What kind of a conversation? About  
 7 what?  
 8 Q. About that letter.  
 9 A. No, I never...  
 10 Q. How was it that Mr. Horahoa came to  
 11 write the letter?  
 12 A. I think my brother mentioned something  
 13 to him.  
 14 Q. Was it your understanding that  
 15 Mr. Horahoa wrote that letter so you could  
 16 present it to the union?  
 17 A. I don't know.  
 18 Q. That's what you did, isn't it?  
 19 A. Yeah.  
 20 Q. The letter indicates that you were  
 21 employed by John T. Clark & Son on a casual  
 22 basis as a longshoreman working at the Connelly  
 23 containment terminal; is that right?  
 24 A. Through the hall, yes.



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1 Q. When you were employed by John  
2 T. Clark & Son, did you also, in addition to  
3 the health benefits that you received, receive  
4 a motor vehicle?  
5 A. Yes.  
6 Q. Is that the case right through 2003,  
7 which was the last date of the W-2 that you had  
8 from that company?  
9 A. Yes.  
10 Q. Do you still have that car?  
11 A. No.  
12 Q. What happened to it?  
13 A. My wife has got it.  
14 Q. When you were driving the car, who was  
15 it registered to?  
16 A. John T. Clark.  
17 Q. Now that your wife is driving the car,  
18 who is it registered to?  
19 A. John T. Clark.  
20 Q. John T. Clark is still in business?  
21 A. Not that I know of.  
22 Q. Apparently, it still has some assets  
23 left, though, right? If it has a car, it has  
24 an asset; would you agree with that?

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1 A. You would have to talk to my brother.  
2 I have nothing to do with that.  
3 Q. Prior to your suspension, do you  
4 contend that you weren't given written notice  
5 about the specific charges that you were being  
6 summoned to by the rules committee?  
7 A. I never received anything from Joe  
8 Picard at my post-office box.  
9 Q. Even that letter you signed for, which  
10 is marked --  
11 A. This one, I received. This other  
12 stuff -- I've never received anything from Joe  
13 Picard. I received stuff from McGaff.  
14 Q. About what?  
15 A. I don't know what -- I don't know what  
16 it was for.  
17 Q. When you went to the rules committee  
18 on March 5, to that meeting, why did you go?  
19 A. I was told to go.  
20 Q. By who?  
21 A. By the rules committee.  
22 Q. In what manner were you told, verbally  
23 or in writing?  
24 A. In writing.

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1 Q. So that would be Exhibit 18; is that  
2 right?  
3 A. Yes.  
4 Q. What does Exhibit 18 say? Can you  
5 read that into the record, please?  
6 A. The whole thing?  
7 Q. Yeah.  
8 A. "The Allied rules committee, who are  
9 empowered by Rule Number 37 of the hiring hall  
10 rules, are hereby notifying you to appear  
11 before them. The committee summons you on this  
12 date of March 5, 2003, at 12 noon to appear at  
13 the hiring hall. The purpose of this hearing  
14 is for you to show just cause as to why you  
15 should not be suspended and placed into Gang  
16 12. Please bring with you any resignation, any  
17 retirement papers, tax returns or any other  
18 documents that you deem pertinent. We have  
19 found you to be in violation of not honoring  
20 the pledge that you signed. Failure to appear  
21 at this hearing could also result in a  
22 sanction."  
23 Q. And you got that letter?  
24 A. I think I got that one, yeah.

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1 Q. That is what the certified-mail card  
2 is?  
3 A. It coincides with that, yes.  
4 Q. In reading Exhibit 18, do you  
5 understand what is being stated in that letter?  
6 A. Yeah.  
7 Q. Did you understand it when you read  
8 it?  
9 A. Yes.  
10 Q. And you got that on February 18th; is  
11 that right?  
12 A. Yup.  
13 Q. That is about two weeks prior to the  
14 meeting?  
15 A. Yes.  
16 Q. Do you contend that two weeks' notice  
17 is an unreasonable amount of time for you to be  
18 summoned to a meeting?  
19 A. No.  
20 Q. When you got into the hearing or the  
21 meeting, you waited outside and then you were  
22 summoned in; is that right?  
23 A. Yes.  
24 Q. Given what you've read from Exhibit

27 (Pages 105 to 108)

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1 18, do you recall any discussion as to what the  
2 point of view -- being called to the meeting?

3 A. I don't remember anything about what  
4 they were saying at the meeting.

5 Q. Did you go with an attorney to the --

6 A. No.

7 Q. At the time, Mr. Lathrop was  
8 representing you, though, wasn't he?

9 A. Yeah, I think so, right. Yeah.

10 Q. Did you inform the rules committee on  
11 March 5, 2005, that you were working for John  
12 T. Clark as a consultant?

13 A. I don't know if I said that.

14 Q. Did you inform the rules committee, or  
15 did you state to the rules committee that they  
16 knew of your employment at John T. Clark, yet  
17 allowed you to move up from 12 to 11?

18 A. I don't remember.

19 Q. If you admitted that you were employed  
20 by Clark at that rules committee meeting, do  
21 you have any memory of saying you were going to  
22 resign your position because you wanted to stay  
23 in Gang 107?

24 A. I don't remember.

1 A. Yes.

2 Q. When did you know that?

3 A. I don't know what year or what date.  
4 I just know that he was.

5 Q. You knew before today?

6 A. Yes.

7 Q. Did you have any understanding prior  
8 to today of why Mr. Consadine had been  
9 suspended?

10 A. Because he had another income.

11 Q. What about Edward Consadine, do you  
12 know him?

13 A. I know who he is. I've never talked  
14 to him.

15 Q. Do you know whether or not he had ever  
16 been suspended?

17 A. I don't know.

18 Q. Do you know Pat Consadine?

19 A. Yes.

20 Q. Do you know if he had ever been  
21 suspended?

22 A. Yes.

23 Q. That is a yes that he had been  
24 suspended?

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1 Q. Did you ever go to any subsequent  
2 rules committee meeting after that March 5  
3 meeting? Did you ever attend any other rules  
4 committee meetings?

5 A. Yes.

6 Q. Did you go to the March 20th meeting  
7 in 2003?

8 A. No. I don't know.

9 Q. How many rules committee meetings did  
10 you go to in 2003?

11 A. I don't remember.

12 Q. Do you know William Coschie  
13 (phonetic).

14 A. I know who he is.

15 Q. Do you know whether or not he was ever  
16 suspended from the union?

17 A. I just read it that he was.

18 Q. You just read it today?

19 A. Yeah.

20 Q. What about Dan Consadine, do you know  
21 him?

22 A. Yes.

23 Q. Do you know whether or not he was ever  
24 suspended from the union?

1 A. Yes.

2 Q. Is that prior to your suspension?

3 A. I think so, yeah.

4 Q. And do you have any understanding of  
5 why Pat Consadine was suspended?

6 A. Because he had another income.

7 Q. What about Michael McAvoy, do you know  
8 him?

9 A. I know who he is.

10 Q. Do you know whether or not he was ever  
11 suspended?

12 A. I read that he just was.

13 Q. You read that today?

14 A. Yes.

15 Q. What about John McLaughlin, do you  
16 know him?

17 A. Yes.

18 Q. Do you know whether or not he was ever  
19 suspended?

20 A. Yes.

21 Q. Do you know when he was suspended?

22 A. I don't know what date.

23 Q. Did you know prior to today that he  
24 had been suspended?

1 A. Yes.  
 2 Q. For what reason? Holding another job?  
 3 A. Holding another income, having another  
 4 income.  
 5 Q. How about Dan O'Brien, do you know  
 6 him?  
 7 A. I know who he is.  
 8 Q. Do you know whether or not he had been  
 9 suspended from the union?  
 10 A. I just read that he was, yeah.  
 11 Q. Today?  
 12 A. Yeah.  
 13 Q. Exhibit 18 asked you to bring  
 14 documentation with you; is that fair to say?  
 15 A. Yes.  
 16 Q. Did you bring any documentation with  
 17 you to that March 5 meeting?  
 18 A. No.  
 19 Q. The first documentation that you ever  
 20 provided to the rules committee, is that what  
 21 we previously marked as Exhibit 3?  
 22 A. As far as I remember, yes.  
 23 Q. Did you ever provide the rules  
 24 committee with any social security information?

1 A. I don't think so.  
 2 Q. Exhibit 18 asks that you bring  
 3 resignation and, slash, retirement papers, tax  
 4 returns or any documents that you deem  
 5 pertinent.  
 6 And you told me that you later brought  
 7 this Exhibit Number 3. Apparently, you deemed  
 8 this as pertinent; is that right?  
 9 A. They told me to bring that.  
 10 Q. I apologize if I asked you this  
 11 earlier.  
 12 How did you get this document?  
 13 A. I went to the social security office.  
 14 Q. Where is that?  
 15 A. In Hanover.  
 16 Q. And they printed this out for you?  
 17 A. Yes.  
 18 Q. Mr. Keefe, given that there is a date  
 19 that is sort of cut off at the top of Exhibit  
 20 3, which appears to be August 17, 2004, do you  
 21 have a memory of whether or not you got this  
 22 document from the social security office in  
 23 Hanover after you had already been reinstated?  
 24 A. I got it this date. I don't know what

1 date I was reinstated. I think that was the  
 2 date that I would have got it.  
 3 Q. All right. In the last ten years,  
 4 have you ever been convicted of a felony?  
 5 A. Yes.  
 6 Q. What was that --  
 7 A. No, not ten years.  
 8 Q. This is 2006. Since 1996 have you  
 9 ever been convicted of a felony?  
 10 A. No.  
 11 Q. Since 2001 have you been convicted of  
 12 a misdemeanor?  
 13 A. Like what, traffic or something?  
 14 Q. A misdemeanor would be district court  
 15 summons; felony would be a superior court  
 16 summons, criminal.  
 17 A. Misdemeanor, no.  
 18 Q. Are you certain of that in the past  
 19 five years, no misdemeanors, convictions?  
 20 A. I don't think so.  
 21 Q. When is the last time that you were in  
 22 court for any reason?  
 23 A. I was in court 20 years ago, '86, I  
 24 think.

1 MR. LATHROP: You mean civil  
 2 also?  
 3 MR. MAHONEY: Yeah, any reason  
 4 whatsoever.  
 5 BY MR. MAHONEY:  
 6 Q. Last time you were in court was it  
 7 this trial, the trial from the other case?  
 8 A. Yes.  
 9 Q. Prior to that, when was the last time  
 10 you had been in a courthouse?  
 11 MR. LATHROP: Your last question  
 12 was in a courthouse. A court procedure --  
 13 A. With somebody else or for me?  
 14 Q. For yourself.  
 15 A. The last time I remember was 1986, I  
 16 think.  
 17 Q. In 2003 do you have any understanding  
 18 of any appeals process that you could pursue if  
 19 you thought that you were being treated  
 20 unfairly by the union?  
 21 A. No. Other than Brighton, New York, or  
 22 going to the international.  
 23 Q. Have you ever had any conversation  
 24 with any of the Consadines about your case?



1 A. No.  
 2 Q. Have you ever had any conversation  
 3 with Dan O'Brien about your case?  
 4 A. No.  
 5 Q. John McLaughlin?  
 6 A. No.  
 7 Q. Mike McAvoy?  
 8 A. No.  
 9 Q. What about William Coachie, have you  
 10 ever had any conversation with him?  
 11 A. No.  
 12 MR. MAHONEY: Let's take a  
 13 break. I may be finished.  
 14 (Brief break.)  
 15 BY MR. MAHONEY:  
 16 Q. Mr. Keefe, when you became a member of  
 17 805, did you receive a copy of the  
 18 constitution.  
 19 A. Constitution?  
 20 Q. Yeah.  
 21 A. No.  
 22 Q. Do you have any understanding of the  
 23 availability of the Constitution of the  
 24 International Longshoremen's Association? Do

1 union?  
 2 A. For my suspension?  
 3 Q. Yes.  
 4 A. I didn't know I could appeal.  
 5 Q. On April 7, 2003, your attorney wrote  
 6 a letter to Mr. Bowers, the president of the  
 7 international; is that right?  
 8 A. Yes.  
 9 Q. And that letter was a complaint made  
 10 on your behalf to Mr. Bowers about your  
 11 suspension; is that right?  
 12 A. Yes.  
 13 Q. Prior to that letter being sent to  
 14 Mr. Bowers, had you pursued any appeal within  
 15 the union, either to the district council or  
 16 any other body in accordance with the  
 17 constitution?  
 18 A. I didn't know you could.  
 19 Q. Prior to filing this civil action, had  
 20 you pursued any appeal of your suspension  
 21 within the union, either to the district  
 22 council or any other body pursuant to the  
 23 constitution?  
 24 A. Say that again, please?

1 you know if it is kept at the union hall or any  
 2 other building?  
 3 A. The last time I saw a constitution was  
 4 from 1998 or something, '94.  
 5 Q. That was before you were a member of  
 6 805, right?  
 7 A. (Witness nodding.)  
 8 Q. Prior to being a member of 805, you  
 9 were a member of another longshoremen's union,  
 10 weren't you?  
 11 A. Yes.  
 12 Q. That was up in Portsmouth, New  
 13 Hampshire?  
 14 A. Yes.  
 15 Q. What local was that?  
 16 A. Local 1947.  
 17 Q. Had you ever been summoned before the  
 18 rules committee or any hearing officer in 1947  
 19 while you were a member there?  
 20 A. Not that I recall. I don't think they  
 21 had a rules committee.  
 22 Q. Prior to filing this litigation, Civil  
 23 Action Number 0411340, did you pursue an appeal  
 24 of the rules committee's decision with the

1 MR. MAHONEY: Can you read that  
 2 back, please, Bernadette?  
 3 (Question read.)  
 4 A. I didn't know you could.  
 5 Q. Do you recall when we were talking  
 6 about Exhibit 5 earlier, which are the hiring  
 7 hall rules?  
 8 A. Yes.  
 9 Q. We were previously talking about the  
 10 hiring hall rules in regard to the pledge  
 11 sheet. Do you recall that?  
 12 A. Yes.  
 13 Q. What I want to focus your attention  
 14 now on is Rule 25. You t  
 15 Tell me if I read this incorrectly. I  
 16 will try to do it upside down.  
 17 "All members who have a grievance must  
 18 go through proper channels first before  
 19 bringing a lawsuit against the ILA or any  
 20 local."  
 21 Did I read that correctly?  
 22 A. Yes.  
 23 Q. "(The channels are as follows: First,  
 24 they must go through their local; next, New

1 England Dock & Marine Council or Atlantic  
 2 District Council; and then the international.)"  
 3 Did I read that correctly?  
 4 A. Yes.  
 5 Q. And these are the hiring hall rules  
 6 that were in effect in 2003 at the time of your  
 7 suspension; isn't that right?  
 8 A. Yes.  
 9 Q. And prior to filing this lawsuit, did  
 10 you make any request to the New England Dock &  
 11 Marine Council or the Atlantic District Council  
 12 appealing your suspension?  
 13 A. I never read that rule. I didn't know  
 14 I could. If I did, I would have went that  
 15 avenue.  
 16 Q. Your attorney did write to the  
 17 president; is that right?  
 18 A. Yes.  
 19 Q. And you received Mr. Bowers' response,  
 20 the president's response, in December 2003;  
 21 isn't that right?  
 22 A. Yes.  
 23 Q. And was it after you received  
 24 President Bowers' response that you then filed

1 this lawsuit? The response was December 15,  
 2 2003, and the date of your complaint is  
 3 entitled June 16, 2004.  
 4 Do you see that?  
 5 A. It was after.  
 6 MR. MAHONEY: Okay. Sir, subject  
 7 to what I said earlier with regard to my  
 8 suspension, until I receive a formal copy of  
 9 the responses to the request for documents, I  
 10 don't have any other questions today.  
 11 MR. LATHROP: I have none.  
 12 (Deposition of Stephen Keefe suspended  
 13 at 1:26 p.m.)  
 14  
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 24

1 CERTIFICATE  
 2 I, STEPHEN KEEFE, hereby certify under  
 3 the pains and penalties of perjury that I have  
 4 read the foregoing transcript of my testimony,  
 5 and further certify that said transcript is a  
 6 true and accurate record of my testimony (with  
 7 the exception of the corrections noted below.)  
 8 PAGE LINE CORRECTIONS AND/OR DELETIONS  
 9 \_\_\_\_\_  
 10 \_\_\_\_\_  
 11 \_\_\_\_\_  
 12 \_\_\_\_\_  
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 19 \_\_\_\_\_  
 20 Signed under the pains and penalties  
 21 of perjury this day of \_\_\_\_\_, 2006.  
 22 \_\_\_\_\_  
 23 \_\_\_\_\_  
 24 STEPHEN KEEFE

1 COMMONWEALTH OF MASSACHUSETTS  
 2 COUNTY OF MIDDLESEX  
 3 I, Bernadette J. D'Alelio, a Court  
 4 Reporter and Notary Public in and for the  
 5 Commonwealth of Massachusetts, do hereby  
 6 certify that the foregoing deposition was taken  
 7 before me on the 24th day of May, 2006;  
 8 That the witness named in the  
 9 deposition, prior to being examined, was by me  
 10 first duly sworn;  
 11 That said deposition was taken before  
 12 me at the time and place hereinafter set forth, and  
 13 was taken down by me in shorthand and  
 14 thereafter transcribed into typewriting under  
 15 my direction and supervision;  
 16 That said deposition is a true record  
 17 of the testimony given by the witness, and of  
 18 all objections made at the time of the  
 19 examination.  
 20 I further certify that I am neither  
 21 counsel for nor related to any party to said  
 22 action, nor in any way interested in the  
 23 outcome thereof.  
 24 IN WITNESS WHEREOF I have subscribed  
 my name and affixed my seal this 24th day of  
 May, 2006.  
 Bernadette J. D'Alelio  
 Notary Public  
 Massachusetts  
 My Commission Expires:  
 December 12, 2010  
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 THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT  
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